

APPENDIX A

GRIZZLY BEAR POLICY MCA 12.9.103

MCA 12.9.103 GRIZZLY BEAR POLICY (1) Whereas, the Montana Fish and Game Commission has management authority for the grizzly bear, a resident wildlife species, and is dedicated to the preservation of grizzly bear populations within the state of Montana; and

Whereas the secure habitat for the grizzly has been greatly reduced as a result of the human development and population growth from 1850 through 1950 in the bear's traditional range in all western states; and

Whereas, a significant portion of the remaining grizzly bear habitat and population is located in Montana and these Montana populations occur in wildlands such as wilderness, primitive areas, de facto wilderness areas, national forests, national parks, Indian reservations, and seasonally, on adjacent private lands.

Now, therefore, in order to promote the preservation of the grizzly bear in its native habitat, the commission establishes the following policy guidelines for the Montana Department of Fish, Wildlife and Parks action when dealing with grizzly bear.

(a) Habitat. The department shall work to perpetuate and manage grizzly bear in suitable habitats of this state for the welfare of the bear and the enjoyment of the people of Montana and the nation. In performing this work the department should consider the following:

(i) the commission has the responsibility for the welfare of the grizzly and advocates the protection of the bear's habitat;

(ii) management of Montana's wildlands, including the grizzly bear habitat, is predominately, but not exclusively, a responsibility of various federal agencies and private landowners;

(iii) land use decisions made by these agencies and individuals affect grizzly bear habitat, thus cooperative programs with these agencies and individuals are essential to the management of this species;

(iv) preservation of wildlands is critical to the protection of this species and the commission advocates wildland preservation in occupied grizzly bear habitat; and

(v) while some logging may not be detrimental to grizzly habitat, each logging sale in areas inhabited by grizzly bear should be carefully reviewed and evaluated.

(b) **Research.** It is recognized by the commission that research on the habitat requirements and population characteristics of the grizzly bear is essential for the welfare of the species. Departmental research programs and proposals directed at defining those habitat requirements are encouraged and supported.

(c) **Hunting and recreational use.** The commission recognizes its responsibility to consider and provide for recreational opportunities as part of a grizzly bear management program. These opportunities shall include sport hunting, recreational experiences, aesthetics of natural ecosystems, and other uses consistent with the overall welfare of the species.

(i) the department should consider the variability of values between individuals, groups, organizations, and agencies when management programs for various grizzly bear populations are developed.

(ii) sport hunting is considered the most desirable method of balancing grizzly bear numbers with their available habitat, minimizing depredations against private property within or adjacent to grizzly bear habitat, and minimizing grizzly bear attacks on humans.

(d) **Depredations.** Contacts between grizzly bear and humans, or property of humans, require delicate handling and careful consideration. When these contacts reach the stage for definite action, the following actions should be carried out:

(i) grizzly bear, in the process of threatening or endangering human life, shall be captured or dispatched immediately.

(ii) where no immediate threat to human life exists, individual bear encounters with humans shall be evaluated on a case-by-case basis and when the attack is abnormal or apparently unprovoked, the individual bear involved shall be captured or dispatched.

(iii) when the attack is normal (e.g. a female defending her cubs, any bear defending its food, or any bear defending itself) but the situation leads itself to no reasonable possibility of leaving the bear in place, then the bear should be removed.

(iv) grizzly bear committing depredations that do not directly endanger human life but that are causing property losses shall be evaluated on an individual case basis.

- (v) where removal is determined to be the best resolution to the problem, depredating or nuisance bear shall be trapped, and if determined to be suitable for transplanting, shall be marked and released in suitable habitat previously approved with appropriate land management agencies.
- (vi) reasonable efforts shall be made to inform the public of the transplant program, fully explaining the reasons for the capturing and locations of the release area.
- (vii) upon request by an authorized scientific investigative agency or public zoological institution, a captured bear may be given to that agency or institution, for appropriate nonrelease research purposes. A reasonable charge may be required to cover costs of handling.
- (e) Depredating grizzly bear that are not suitable for release or research because of old age, acquired behavior, disease, or crippling, shall be killed and sent to the department's research facilities for investigation. The public shall be fully informed when these actions are taken and the reasons for these actions shall be fully explained.
- (f) Coordination. The department shall consult with appropriate federal agencies and comply with applicable federal rules and regulations in implementation of this policy. (History: Sec. 87-1-301 MCA, IMP, 87-1-201, 87-1-301 MCA; Eff. 12/31/72; AMD, 1977 MAR p. 257, Eff. 8/26/77.)

APPENDIX B

EXAMPLE OF INFORMATIONAL MATERIAL: "LIVING WITH GRIZZLIES" BROCHURE

ENCOUNTERS

Grizzly bears are omnivores at the top of the food chain and their actions are often unpredictable. The actions you take when you see a grizzly bear may affect the outcome. No research has been conducted to determine the best course of action when a human is confronted by a grizzly bear. **The following is a list of recommended responses to minimize the likelihood of attack or chances of human injury.**

First you should always maintain a safe distance and behave in a non-threatening manner. If you are close to the bear when you see it, or if the bear approaches, do the following:

Stay calm Drop something like your hat or gloves on the ground in front of you and slowly back away, speak in a soft monotone, and avoid eye contact. In most cases, the grizzly will leave. **Don't climb a tree** unless you are sure you can get at least 10 feet from the ground before the bear reaches you. Many experts recommend against climbing trees in most situations. **Don't run**—a grizzly can easily outrun the world's fastest human. Running triggers attacks.


If the bear charges your first option is to remain standing. The bear may "bluff charge" or run past you. As a last resort, assume a cannonball position and play dead. Leave your pack on to provide protection, cover your neck and head with your arms and hands, and curl up to protect your stomach. Do not attempt to look at the bear until you are sure it is gone. Many experts now recommend carrying a cayenne pepper spray for use in close encounters with grizzlies. This spray is available at sporting good stores.

If you are armed use a weapon only as a last resort. Wounding a bear, even with a large caliber gun, can put you in far greater danger.


If a bear attacks at night when you are in your tent... the bear may be seeking food rather than trying to neutralize a threat, so fight back to show the bear you are dangerous.

Report all encounters to one of the agencies listed inside this brochure. Your report can prevent someone else from being hurt.

The Bear Facts



- The grizzly's diet is mostly composed of plants and fruits.
- Female grizzlies give birth and nurse their cubs in the den, and for the 5-6 months they're in the den they don't eat, drink or eliminate waste.
- Twin cubs are born more often than single cubs; triplets are not uncommon.
- On the average, it takes 12 years from birth for a grizzly to become a "grandmother", but only 4 years for a deer.
- The oldest bear recorded in northwest Montana was 35 years old.
- Grizzlies are not very social. Males roam the most, using areas from 600-1000 square miles. Females use areas up to 100 square miles. Grizzlies may travel 20-40 miles a day.
- A grizzly can climb trees—over 20 feet, run 44 feet per second, and swim across lakes and rivers.
- A grizzly stands to get a better view, not as an aggressive display.
- Grizzlies didn't move from the plains into the mountains; they were eliminated from the plains, and only those populations in the mountains have survived.
- Estimates are that about 35,000 grizzlies live in North America, mostly in Alaska, British Columbia, Northwest Territories, and Yukon. Over 100,000 are estimated to live in Asia.



cover photo by Doug O'Leary, Helena, MT

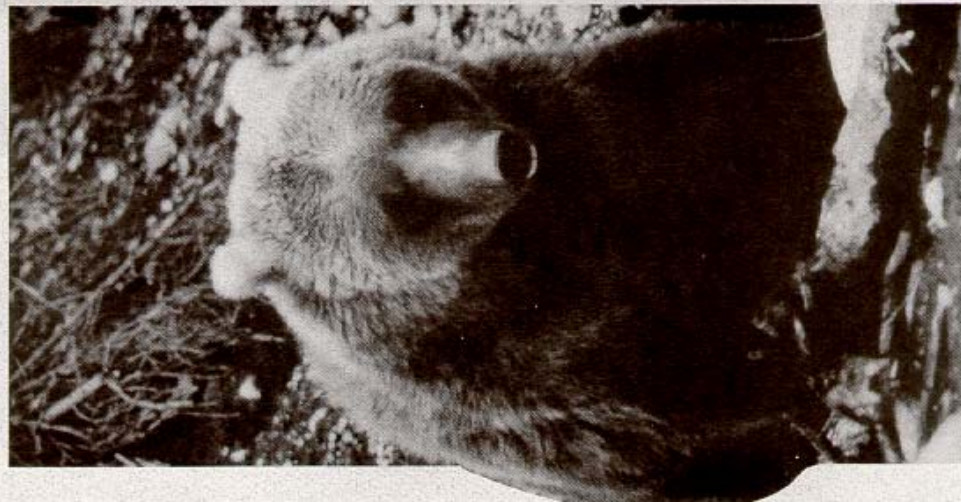
FLATHEAD
National Forest

Montana Fish, Wildlife & Parks

GRIZZLY COUNTRY

To reduce the risk of problems with bears on or near your property, we urge you to follow this list of simple precautions. Avoid attracting bears to your property.

PREVENTION IS FAR BETTER THAN CONFRONTATION!



Garbage should be stored where bears can neither smell or gain access to it, either in a bearproof container or inside a building that bears can't get into.

1. Use outside garbage cans for non-food items only.
2. Haul garbage to an approved disposal site as often as possible but at least once a week to avoid build-up of odors.

Remember: when bears eat garbage they may eventually have to be killed.

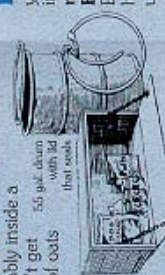
Fruits and vegetables: Fruit trees attract bears, especially when wild foods are scarce. Electric fencing is the most effective way to keep bears out of orchards. Pick all ripe fruit from trees and from the ground as soon as possible. Do not leave fruit on trees through the fall.

Vegetable gardens also attract bears. Gardens should be located away from forests or shrubs, which bears use for security and travel; electric fencing is a good idea.

Although composting reduces the load of waste in landfills, the odors attract bears. If you do maintain a compost pile, use an electric fence to discourage bears. Don't put meat, grease, or bones in a compost pile. Consider an enclosed composter.

Livestock & pet food should be stored in bear-proof containers, preferably inside a sturdy building that bears can't get inside. Cut down on spillage of oats and pellets by feeding from buckets or other containers, and don't leave leftover livestock food out overnight.

Dogs and other pets should be kept inside at night. Don't leave uneaten pet food outside.



Sheep are particularly easy prey for bears and should be closely herded. Pigs, and flocks normally fed to pigs, are very attractive to bears. Consider electric fencing or not keeping pigs in bear country. Do not bury dead livestock. Haul them to a rendering plant or county landfill immediately. Bears will dig up carcasses.

Remember: when bears learn to kill livestock the bears usually have to be moved or destroyed.

Bears love honey and also seek bee larvae found in bee hives. You can protect the hives with electric fencing or by elevating the hives on platforms supported by metal poles that bears can't climb.

Bird feeders: Hummingbird feeders and suet can also attract bears. Feed suet only during the winter months, and suspend hummingbird feeders out of reach of bears.

Closely supervise your children when they are playing outdoors. Make sure that children are home before dusk and are not outside before dawn. Talk with your children about bears and teach them what to do if they encounter one.

Remember: if you find that bears have gotten into your garbage or livestock feed, remove the attractant immediately. **Repeated use of a site by bears is much harder to stop than a single instance.**

Bears will move on if no attractants are present. Bears that associate food with humans and places humans live can become dangerous. These bears usually have to be trapped and relocated, or killed.

Use common sense; it's in everyone's best interest!

PLEASE DO YOUR PART  **people and bears can live together.**

APPENDIX C

SUMMARY OF CURRENT GRIZZLY BEAR FOOD STORAGE DIRECTION

Food storage requirements and sanitation guidelines in grizzly bear habitat vary across the landscape and depend mainly on land ownership and administration. Sanitation guidelines generally are absent on private lands; where they exist they are mainly in the form of grassroots driven voluntary efforts. Food storage guidelines are on some, but not all, public lands. Where they do exist on public lands, the number and diversity of regulations and orders may be confusing to recreationist, those who derive their livelihood from the public lands, and agency land managers. The following summarizes the status of food storage and sanitation direction on various land ownerships across the 17-county area of this management plan. Individual contacts, if known, are in ().

1. Private Lands

Bear Aware

Whitefish, MT: A “Bear Aware” program is being established in the community of Whitefish, MT. The intent of this organization is to raise public awareness about living in bear country and how to avoid bear-human conflicts. As part of this program, the regional garbage hauler (Waste Management System, Great Falls, MT) has given bear-resistant dumpsters to Ptarmigan Village, a resort/residential community in Whitefish, MT. Also, the program coordinator offers to clean up fallen fruit from fruit trees on private residences to remove this food source from being available to bears. (Bill Lavelle, Bear Aware coordinator)

Seeley Lake, MT: bird feeders (remove or electrical fences); bear-resistant dumpsters at schools; businesses take in downtown garbage cans at night; integrate ecological needs of bears into community planning and decision-making (ex. discourage planting of fruit trees or removal of existing areas on city property.) (Patti Bartlett)

Blackfoot Challenge (BC)

Watershed-wide stewardship group. Engage in voluntary efforts to reduce grizzly bear-human conflicts. Carcass redistribution in cooperation with the BC Wildlife Committee, FWP, BFI, USFWS, and Blackfoot landowners; electric fences around calving grounds, dumps, fruit trees; 80 bear-resistant dumpsters in watershed; GIS mapping of attractants in the Blackfoot Valley to develop a community supported and scientifically based plan to further reduce conflicts; “Neighbor Network” to empower local residents to monitor grizzly bear activity and take actions to keep attractants away from grizzly bears. Under this program, residents use phone tree lists to help neighbors prevent conflicts from occurring, and residents can check out and borrow a variety of devices including bear-resistant trashcans to avoid problems. (Seth Wilson)

Brown Bear Resources (BBR)

BBR umbrellas Middle Rattlesnake Bear Task Force (MRBTF) until MRBTF gets established as an organization. Actions taken by BBR on behalf of grizzly bears services over 400 residences plus new developments in the Middle Rattlesnake area and include the following: conduct door-to-door efforts to educate residences on proper sanitation in bear country; work with FWP-R2 wildlife management specialist to identify hotspots for potential bear-human conflict; work with rental property managers to promote proper sanitation practices amongst renters; hold monthly public meetings to give updates on bear movements, activity, etc.; working on an ordinance for Missoula that is more enforceable than

Montana Code Annotated 87-3-130 “Taking of wildlife to protect persons and livestock” (HB 249 allows cities to devise ordinances for wildlife. WIP, Jonkel: in Msla, council exists but food storage ordinances in talking stage.) Additionally BBR, in cooperation with FWP, provides bear-resistant bins for check out. Bins are used as a temporary solution until the individual household resolves the sanitation problem. (Erin Edge)

Cabinet-Yaak Grizzly Bear Citizen Committee

Includes local organizations, elected officials, county commissioners, FWS representative, concerned citizens. Round table discussions and transfer of information. Started in 1989 when 4 female grizzly bears were transplanted in the Cabinet ecosystem for augmentation purposes. (Kasworm)

Defenders of Wildlife (DW)

DW oversees a livestock compensation program. DW will pay full market value of a confirmed grizzly bear kill. Ranchers must get confirmation that livestock was killed by grizzly bear from either the FWP wildlife management specialist or Wildlife Services. If these parties agree that it was a grizzly bear kill, the rancher then goes directly through DW for payment, not through the state or federal agency.

DW created The Bailey Wildlife Foundation Proactive Carnivore Conservation Fund in 1999, which supports the use of nonlethal deterrents and preventative animal husbandry practices. Through the fund, DW cost shares with communities, organizations, and agencies for conflict prevention. To date, DW has provided funding for bear-resistant dumpsters; food poles in the back country on national forests; bear-resistant food storage boxes for campgrounds and camp sites in Glacier National Park; bear-resistant dumpsters for campsites in the Bitterroot Ecosystem; electric fencing around calving grounds, sheep bedding grounds, apiaries, dumpsters; aversive conditioning of grizzly bears through the use of Karelian bear dogs. Also DW has developed the “Living In Bear Country” brochure and has collaborated with NWF to develop public service announcements regarding food storage and keeping a clean hunting camp in the backcountry. (Minette Johnson)

Great Northern Environmental Stewardship Association (GNESA)

Great Northern Environmental Stewardship Area is a partnership of private landowners, citizens’ organizations, businesses, corporations and government agencies with a presence in the corridor that bisects the natural lands of the Bob Marshall Complex and Glacier National Park. This corridor holds unparalleled natural landscapes, critical wildlife habitat, a pristine free flowing river and vital transportation and utility routes, all of which contribute essential values to our region. We work together for an enlightened stewardship and collaborative responsibility for our human activities in these precious lands. Some of GNESA’s most important work has been with local residents to keep attractants such as bird feeders and ripened fruit out of reach of bears. A major improvement has been to install bear-proof dumpsters in many areas of the corridor. (Dan Vincent).

Great Bear Foundation (GBF)

This group uses a variety of approaches to educate the public on ways to live and work in grizzly country. They have also cost shared on preventative measures in the past.

Living With Wildlife Foundation (LWWL)

Developed and distributed “Living with Predators Resource Guide for Wildlife Professionals” (2003 edition). LWWL, in cooperation with FWP, established a peer-reviewed testing protocol for bear-resistant products working with the Grizzly Discovery Center. Maintains a database of products being used, how effective they are, general performance, etc. they conduct product testing on various electric fencing

configurations. In cooperation with FWP-R2 wildlife management specialist, established a phone tree list in the Blackfoot Valley to alert residences of bears in the area. LWWL is also trying to implement the same in the Bitterroot and Ninemile areas. (Patti Sowka)

North Fork Bear Group

Comprised of community members. Produce a newsletter each spring concerning bears and bear activity. FWP- Region 1 wildlife management specialist provides information on the local bear population. Newsletters are delivered via mail. (T.Manley)

North Fork Interlocal

North Fork Interlocal has been in existence since the late 1980's. Comprised of agencies and community members. The group meets twice a year to disseminate information and discuss bear issues in the North Fork of the Flathead. (T.Manley)

Northwest Connections (NC)

NC provides citizen monitoring of grizzly bears, track surveys, and assessing bear-human conflicts in cooperation with FWP-R1 wildlife management specialist. Through backcountry rangers, NC also provides outreach and monitoring of proper food storage. NC has been instrumental in the Plum Creek Timber Company land swap corridor/linkage zone project. (Melanie Parker)

Partners for Wildlife

Land stewardship program. Landscape conservation efforts on yearlong grizzly bear habitat on private land. Partners with TNC, MT Land Alliance, FWS, and FWP. Forty thousand acres in preservation and conservation easements. (Gary Sullivan)

Swan Ecosystem Center (SEC)

Out of Condon, MT, SEC has provided money through grants to buy 14 bear-resistant dumpsters in the Swan Valley. These dumpsters have been put in place at restaurants, lodges, and schools in Condon and the surrounding area. SEC has a cost-share arrangement with the Forest Service whereby the SEC staffs the Forest Service office in Condon, MT and provides hand-outs on bear information to visitors. SEC works cooperatively with other organizations (LWWL, FWP, FS, NC) to provide the "Bear Newsletter", with the first publication expected in 2005. SEC has also been a key player in the Plum Creek Timber Company land swap. Assisting with purchase and placement of bear-resistant containers at private residences in the Condon area. (Ann Dahl)

The Nature Conservancy (TNC)

On TNC's Pine Butte Preserve, on the Rocky Mountain Eastern Front, a travel plan is in effect that governs human movement on the preserve relative to seasonal activities and habitat of grizzly bears. This travel plan also accommodates FWP's carcass redistribution program.

Wind River Bear Institute (WRBI)

This group has worked extensively in Montana. They provide a variety of approaches that seek to educate the public on ways to live with grizzlies and also have an active program to prevent conflicts using Karilian bear dogs and other aversive conditioning techniques. (Carrie Hunt)

Yaak Valley Forest Council (YVFC)

The main mission is to keep roadless areas in the Yaak valley roadless. They have no formal program for sanitation efforts, but members of YVFC will go door-to-door to discuss proper storage of foodstuff with homeowners.

2. Corporate Lands

Plum Creek Timber Company

Plum Creek Timber Company has agreed to place covenants on certain company lands being sold in the Swan Valley in order to encourage new owners to live responsibly in grizzly country.

Additionally, Plum Creek Timber Company is a primary party in the Swan Valley Grizzly Bear Conservation Agreement, along with Montana Department of Natural Resources (DNRC), Flathead National Forest, and the U.S. Fish and Wildlife Service (FWS). Also, it adheres to Grizzly Bear Best Management Practices, which are voluntary guidelines implemented by Plum Creek in areas adjacent to U.S. Forest Service Management Situation 1 lands for grizzly bears. These general guidelines are implemented at a site-specific scale and are subject to change as new scientific information or site conditions warrant. (Henning Stabins, senior wildlife biologist, Plum Creek Timber Company).

Burlington Northern – Santa Fe Railroad

The company has programs in place to deal with grain spills along the Highway 2 corridor should they occur. These programs are to keep bears from gaining access to grain after accidental spills. (Dan Vincent)

Municipal efforts

Whitefish

- Roll-out ordinance, whereby garbage cannot be placed at the curb until the morning of pick-up. While on the books, this ordinance has not been very enforced in recent times. (John Wilson, public works director)
- New subdivisions must provide for each household a secure place to store garbage.
- Funding has been secured to purchase bear-resistant dumpsters for city parks.
- A “Bear Aware” program is being established in the community of Whitefish, MT. The intent of this organization is to raise public awareness about living in bear country and how to avoid bear-human conflicts. As part of this program, the regional garbage hauler (Waste Management System, Great Falls, MT) has given bear-resistant dumpsters to Ptarmigan Village, a resort/residential community in Whitefish, MT. (Bill Lavelle, Bear Aware coordinator).
- Ironhorse Golf Course and Development has placed in its covenant for homeowners that fruit trees, livestock, birdfeeders, and trash left unattended will not be permissible. (Tim Manley, FWP-R1)

Kalispell

In conjunction with county planners and area biologists from FWP, covenants for new subdivision are including regulations for proper storage of garbage, pet foods, and other bear attractants. (Shawn Roland, Sanders County interim sanitarian until March 2005) .

County efforts

Lincoln

In July 2002, Lincoln County implemented an emergency temporary sanitation ordinance in response to black bear-human refuse conflicts at the Glen Lake refuse container site. The ordinance was effective for 90 days and governed how the refuse containers were to be used. After the 90 days were up, the ordinance was rescinded since it was not formally adopted as a resolution. Other than this, there are no sanitation guidelines specific to reducing bear-human refuse conflict except county-wide regulations issued by the Lincoln County Board of Health stating "All garbage must be put in closed containers." Some refuse sites in the county do have bear-resistant dumpsters, while other sites still have conventional green boxes. (Ron Anderson, Lincoln County sanitarian)

For more information on Lincoln County's efforts toward reducing bear/human sanitation conflicts, refer to "Let's Talk Trash: The Maintenance and Use of Bear-Resistant Dumpsters in Lincoln County, Montana" (Victoria Edwards, thesis University of Montana, 2000)

Flathead

There are 3 sites along the Middle Fork of the Flathead River going toward Marias Pass in Flathead County where bear-resistant dumpsters have been put in place. Additionally, a fourth site near Coram, MT has been made bear-resistant with an electric fence perimeter around a chain link fence. These four locations had known histories of bear-sanitation conflicts. (Dave Prunty, county sanitation director)

Glacier

Unknown.

Pondera/Teton

Pondera and Teton Counties are administered by the same sanitarian. The only location in either county that currently has been made "bear-resistant" is the roll-off waste station near Dupuyer, MT. This site has a chain-link fence perimeter only. (Corrine Rose, Pondera/Teton Counties sanitarian). In addition FWP and DW cost-shared to put "unbearable" dumpsters in Dupuyer.

Lewis and Clark

Currently there are no sanitation efforts directed at bears in Lewis and Clark County (Cheryl Reese, Lewis and Clark County solid waste director). Through the LBGL project, a community working group is working to unify food storage (J. Jonkel)

Powell/Deerlodge/Granite

At the north end of Powell County, bear-resistant dumpsters have been put in place in cooperation with the Blackfoot Challenge. Elsewhere throughout Powell, Deerlodge, and Granite counties there are no sanitation efforts directed at bears. (Karen Solberg, assistant sanitarian all 3 counties; Ron Hansen, Powell County planner)

Missoula

Browning Ferris Industries (BFI), the largest garbage disposal company in the NCDE, has been very proactive toward bear-sanitation efforts, through cooperation with Region 2's "Living with Black Bear, Grizzly Bear, and Lion" program and its partners. BFI has agreed to place company owned bear-resistant dumpsters at any site within Missoula County that is experiencing chronic bear activity. In addition, BFI

has bear-resistant residential garbage cans that will be given out on a priority basis in areas of high density bear use. (Ed Zuleger, Missoula County sanitarian; Chad Bauer, BFI)

Lake

There are two sites in the Swan Valley where bear-resistant dumpsters have been put in place in response to bear-human refuse conflicts. At Porcupine Creek south of Swan Lake, the dumpster has a battery-powered automatic lid opener. North of Swan Lake at Ferndale, MT there are three dumpsters, each with electric-powered hydraulic lid openers. (Mark Nelson, Lake County sanitation director)

Sanders

All refuse in Sanders County gets collected from roll-out areas and shipped to another county. All roll out areas have chain-link fence perimeters only. (Shawn Rowland, Sanders County interim sanitarian, until March 2005) Criteria are written into covenants that aim to reduce the impacts of development on wildlife. These stipulations govern the storage of human-, pet-, and livestock foodstuffs. They also discourage the use of berry-producing shrubs and fruit trees in landscaping. (Shawn Roland, county planning office)

Mineral

Covenants in Mineral County include notices regarding proper storage of residential garbage. Otherwise, there are no sanitation efforts directed at bears in Mineral County (Tim Read, Mineral County sanitarian). Through the LBGL project, a community working group is working to unify food storage (J. Jonkel).

Ravalli

Through the LBGL project, a community working group is working to unify food storage (J. Jonkel). Otherwise, there are no sanitation efforts directed at bears in Ravalli County (Dan Hutton, Ravalli County sanitarian).

Silverbow

There are no sanitation efforts directed at bears in Silver Bow County (John Rolich, Silver Bow County sanitarian)

Jefferson

There are two dumpster roll-off areas in Jefferson County where bear-sanitation conflicts have occurred in the past. During hunting season, bears were getting into dumpsters to retrieve carcasses. This conflict was resolved through a management action rather than equipment enhancement. Hunters now leave carcasses outside the dumpsters so that bears can access them without getting into the rest of the trash in the dumpster. (Cheryl Reese, former solid waste director for Jefferson County)

Broadwater

Currently there are no sanitation efforts in Broadwater County regarding bear-human refuse conflicts. (Mike Scoffield, Broadwater County waste transfer station manager)

3. State Lands

3.1 Montana Fish, Wildlife and Parks (FWP)

On state lands administered by the FWP, there are no department –wide food storage guidelines and sanitation efforts. However, there are a few area-specific cases within each region where food storage guidelines and sanitation efforts are in place. Each region has a wildlife management specialist who is responsible for the management of grizzly bear – human conflicts and who acts under the direction of a region-specific management plan. Each of these plans includes preventive as well as damage control efforts. Note that the entirety of a region may not be included within the boundaries of this management plan.

Region 1

- Bear-resistant dumpsters are in place in most state parks . (M. Watkins, T. Manley), primarily to address black bear problems. If a bear is sighted in the area, on-the-ground education occurs, the area is signed, and voluntary compliance of food storage guidelines is encouraged.
- The management plan for Bull River Wildlife Management Area, a recent land acquisition as of 2/2005, will include regulations and guidelines for grizzly bear management (B. Sterling, pers. comm.). The plan is expected to be completed by 12/2005.
- On Ninepipes Wildlife Management Area, bear-human conflict areas have been identified and managed on a case-by-case basis. These include electric fencing around apiaries and monitoring both bear- and human use around existing fruit trees on the management area.
- All fishing access sites and wildlife management areas are day-use only. Recreationist are expected to comply with the pack-in/pack-out policy.

Region 2

- Warm Springs, Garrity, and Lost Creek Wildlife Management Areas. No overnight use. Pack-in/Pack-out policy in place. Pamphlets regarding bear identification and safety in bear country made available to recreationist. (D.Dziak).
- Bear-resistant dumpsters are in place at Salmon Lake and Placid Lake State Parks, and at most fishing access sites along the Blackfoot River. (J.Firebaugh).
- An Environmental Assessment is being prepared regarding food storage guidelines on the Blackfoot-Clearwater Wildlife Management Area. (Mike Thompson).
- In the spring of 2002 Region 2 launched the “*Living with Black Bears and Grizzly Bears and Lions*” project (LBGL). In order to help residents, landowners, and hunters learn how to live in bear, lion, and wolf country the region developed this proactive program that focuses on public education, preventative measures, and quick response to complaints. (J. Jonkel)

Region 3

- Most of Region 3 falls outside the boundaries of this management plan. (See figure x – map showing regions and area covered by this plan).
- All fishing access sites and wildlife management areas within the region adhere to the pack-in/pack-out policy.
- Outreach and prevention efforts by the wildlife management specialist in this region are focused where the grizzly bears are, which is centered around the Yellowstone Ecosystem and not in the area covered by this management plan.

Region 4

- Refer to “Final Report: East Front Grizzly Bear Study (FWP 1989) for details on grizzly bear management in Region 4 and efforts to date to minimize human-grizzly bear conflict. (M.Madel)
 - Livestock carcass redistribution program – phase out bone-yards and/or help to redistribute carcasses to remote sites away from human conflict areas. Identify key conflict areas and redistribute carcasses to Blackleaf, Sun River, and Ear Mountain Wildlife Management Areas (WMA) in the spring, after bear emergence from the den and prior to WMAs opening to the public on May 15. Carcasses are also distributed on Pine Butte Preserve administered by The Nature Conservancy (TNC). Distribution of the carcasses is randomly assigned so that bears do not get accustomed to any specific location as a potential food source and therefore increase potential for human encounters and conflicts. FWP wildlife management specialists work in cooperation with ranchers to redistribute carcasses from the Dupuyer and Choteau areas and elsewhere along the FWP, in cooperation with Defenders of Wildlife (DW):
 - Replaced non-secured dumpsters with bear-resistant dumpsters on prairie grassland areas of ranches along the Eastern Front.
 - Cost-shared East Front in Region 4.
 - Worked with Pondera County commission on behalf of the community of Dupuyer, MT, to provide 20 bear-resistant bins for the community so that garbage at all private residences as well as the local park is no longer accessible to bears.
 - Cost-shared, along with FWS and APHIS, to:
 - Install electric fences around sheep bedding grounds in the area north of Sun River and south of Glacier National Park.
 - Install electric fences around pig-rearing facility west of Dupuyer, MT and a livestock feedlot north of Choteau, MT.
 - Since 1986, FWP has worked to provide electric fencing around domestic apiaries. To date, >30 domestic bee yards have been fenced.
 - Teton River Watershed Group, in an effort to deal with noxious weeds, is beginning a program in 2006 to use domestic sheep and goats to control nonnative vegetation. FWP’s wildlife management specialist is working with this group to prevent grizzly bear conflict with their livestock.
 - Working with the Hutterite colonies to cost-share for electric fences around sheep yards in the Sun River Watershed.
- Food storage guidelines are in place on the Blackleaf, Ear Mountain, and Sun River Wildlife Management Areas. These guidelines are similar to the NCDE food storage guidelines except for the following:
 - Under “Food Storage Orders” –
 - Food and garbage shall be stored in a bear-resistant manner when not in use during daytime or nighttime hours (NCDE – all attractants must be within 50 feet of the attendee, or attractants must be stored in a bear-resistant manner. During the nighttime hours, no physical barrier, except tents or containers or attractant packaging material may exist between the attendee and attractants which are not stored in a bear-resistant manner.).
 - “Carcasses” includes fish and bird, in addition to wildlife. (NCDE – wildlife only)
 - Attractants can be burned in an open campfire, as long as they are burned completely and not left in the campfire. (NCDE – attractants can’t be burned in an open campfire at all).

- Under “Food Storage Order Definition” –
 - “Attractant” includes food leftovers (bones, scraps, grease) and garbage from the preparation of human, livestock, or pet foods in addition to food as defined in the NCDE plan. (NCDE – does not include the aforementioned).
 - “Attendee” is a person 14 years of age or older and awake (NCDE – 18 years of age or older, does not specify being awake).
 - Under “Bear-resistant manner”, there are differences between FWP and NCDE regulations in the standards for electric fencing. The FWP regulations contain:
 - No minimum post height
 - No specifics for wire parameters
 - No specifics for system being set up to operate both as ground wire return and grounded system.
 - No minimum length for ground rod.
 - Charger must be inside fence or minimum of ten feet above ground (NCDE – “may” be inside fence, etc).

3.2 Department of Natural Resources and Conservation lands (DNRC)

There are no DNRC state lands–wide food storage or sanitation guidelines. However, sanitation guidelines are in place under certain circumstances and in specific locations.

- Regarding recreational use of DNRC lands, users are expected to pack out their trash [ARM 36.25.149 (j)].
- For DNRC lands within the NCDE recovery zone and on scattered school trust lands within the NCDE and CYE recovery zones, activities are governed by grizzly bear management regulations [ARM 36.11.433 “Grizzly Bear Management on Western Lands”] and contract language is used that directs the removal of garbage from work sites daily.
- For DNRC lands outside the NCDE and CYE recovery zones but in known occupied grizzly bear habitat, contract language is used in timber sale agreements that direct the removal of garbage from work sites daily.
- For DNRC lands outside the NCDE and CYE recovery zones and outside known occupied grizzly bear habitat, sanitation precautions are taken on a case-by-case basis only if known bear activity occurs.
- DNRC participates in the Blackfoot Challenge, a grassroots effort in the Blackfoot Valley to mitigate wildlife-human conflicts. In cooperation with the Challenge, DNRC has placed bear-resistant dumpsters at state land locations where bear-sanitation conflicts have been known to occur.
- Regarding cabin site leases, DNRC provides all leases with a brochure “Living with Bears” that explains measures leases should take to minimize bear-human conflicts. Additionally, it explains that under Montana law (MCA 87-3-130), persons are liable, if after being warned, fail to store supplemental feed or attractants properly and allow bears o access it.
- For DNRC lands on the Rocky Mountain Eastern Front, namely the Helena unit and Conrad unit lands within the NCDE, the department will determine appropriate methods to comply with the Endangered Species Act on a project level basis [ARM 36.11.434(1)]. Food storage guidelines will be considered, where applicable.

4. Tribal Lands

4.1 Blackfeet Indian Reservation

The Blackfeet Fish and Wildlife Department (BFWD) will take action to prevent bear conflict situations from developing when possible. BFWD Code regulations govern food storage and sanitation in camping and nonresidential situations within the NCDE on the Blackfeet Indian Reservation and where bears are leaving the NCDE along riparian corridors on the reservation (Blackfeet Fish and Wildlife Code Ch.3, sect. 17). In addition, Code regulations govern the removal of livestock carcasses that may attract bears into conflict situations. BFWD will work with the tribal utilities commission and other agencies to explore possible methods and funding sources to make garbage unavailable to bears. Residents and businesses in bear occupied areas on the reservation will be encouraged to adopt measures to prevent unnatural foods from being available to bears. Additionally, BFWD will encourage beekeepers in bear country to install electric fencing around beehives.

Defenders of Wildlife (DW) has provided funding to the Blackfeet Reservation to purchase bear-resistant dumpsters for high priority communities on the reservation; and for electric fencing for beeyards, sheep bedding grounds, and a warehouse where honey is stored that had been broken into by a grizzly bear.

4.2 Flathead Indian Reservation

There are no food storage guidelines on the Flathead Indian Reservation. The Confederated Salish and Kootenai Tribal Wildlife Program issues press releases seasonally as bear activity warrants to notify residents of activity and precautionary measures to take to reduce bear-human conflict. Most bear activity is from black bears (D. Becker, pers. comm.). Tribal biologists take measures to mitigate bear-sanitation issues as situations arise.

5. Federal Lands

5.1 Corps of Engineers (COE)

Recreation sites along the Libby Dam. No food storage regulations or sanitation guidelines (Dick Wernham, COE ranger).

5.2 National Wildlife Refuges (NWR)

There are two National Wildlife Refuges in the area covered by this management plan, the National Bison Range (NBR) complex and the Lee Metcalf. The NBR complex is comprised of the NBR, Pablo, Ninepipes, Swan River, and Lost Trail wildlife refuges plus 18 waterfowl production areas. NWR-administered lands are day-use only with no overnight camping allowed. There is one picnic area, located at NBR. Use of NWR-administered lands operates under the "pack in / pack out" guideline regarding sanitation; there are no garbage receptacles anywhere on the refuges. Access areas are signed with this guideline.

5.3 Bureau of Land Management (BLM)

While there are no BLM-wide food storage guidelines within the area of this management plan, there are specific BLM administered lands where food storage guidelines exist. In Lewis and Clark County, emergency restrictions were put into effect in response to black bear activity at dispersed, undeveloped campsites located on Holter Lake shoreline. These restrictions went into effect August 2004 and will remain in effect until publication of the Butte Field Office Resource Management Plan expected to be completed in Fall 2006.

Depending on the location of activity, food storage guidelines are written into contracts of use on BLM lands. If the activity occurs on BLM land within the NCDE, the NCDE guidelines are incorporated into contracts of use. If the activity occurs outside the NCDE yet in an area known to be occupied by grizzly bears, the NCDE guidelines are incorporated into contracts of use. If activity occurs on BLM land outside the NCDE and not in an area known to be occupied by grizzly bears, no food storage guidelines are written into the contract of use.

The 1986 Resource Management Plan (RMP) does not provide guidelines and orders concerning grizzly bears. Revisions to the plan are not due until 2012. In the meantime, the backlog consultation process will provide case-by-case guidelines concerning food storage and habitat- and access management concerning grizzly bears.

5.4 National Parks

Glacier National Park is the only national park within the area of this management plan. Food storage is governed by direction in 36 CFR 2.10 (d), which prohibits anyone from leaving food unattended or stored improperly where it could attract or otherwise be available to wildlife. This direction is supplemented by a written request from the Superintendent to all Park residents, Inholders and Park concessionaires, encouraging proper garbage storage and disposal.

5.5 National Forests

A number of different mandatory food storage orders and voluntary food storage guidelines exist on the National Forests or portions of the Forests. In addition to existing orders in grizzly bear recovery zones, there is consideration current on expanding food storage orders forest-wide. Some Forests with grizzly bear habitat have neither mandatory nor voluntary storage orders for the public, but all Forests include sanitation direction in permits and contracts. A summary of National Forest food storage orders is presented in Appendix Table B-1.

In the Northern Continental Divide ecosystem (NCDE), all Forests except the Kootenai are covered by one order [Northern Continental Divide Ecosystem Occupancy and Use Restrictions Special order concerning food and refuse (36 CFR 261.58 (cc)) and any bird, fish, or other animal and parts thereof (36 CFR 261.58(s))]. The following Forests are covered by this order: Flathead, Lewis and Clark, Helena, and Lolo. This order applies to that portion of these forests that occur within the NCDE; outside the NCDE, the Lolo has voluntary food storage guidelines, the Flathead does not, the Bitterroot, Lewis & Clark have no food storage guidelines or orders. The Kootenai National Forest applies forest-wide voluntary guidelines similar to the NCDE order.

The voluntary Kootenai guidelines are the only food storage direction currently in the Cabinet-Yaak ecosystem (CYE). The Lolo and Idaho Panhandle National Forests are considering voluntary guidelines similar to the Kootenai.

The Flathead, Lolo, and Bitterroot Forests are in the process of replacing all trash receptacles with bear-resistant dumpsters at campgrounds, trailheads, picnic areas, etc.

Even though it is outside of the Northern Continental recovery Zone, food storage orders similar to the NCDE order are in place on the Rattlesnake National Recreation Area of the Lolo National Forest.

In the Bitterroot ecosystem (BE), other than voluntary camp sanitation, no food storage orders exist on the Bitterroot National Forest.

While designated areas of the Madison and Jefferson Ranger Districts of the Beaverhead-Deerlodge National Forest adhere to food storage orders, these areas lie outside the 17-county area covered by this management plan. Therefore, no food storage orders exist on that portion of the Beaverhead-Deerlodge National Forest that occurs within the area covered by this management plan.

Some Forests require contractors and their associated parties involved in activities within grizzly bear habitat to comply with food storage guidelines and other contract specifications. The Idaho Panhandle National Forest requires contractors to adhere to camping and human safety provisions. In the Kootenai National Forest special use permit holders and users of the Bear Management Units (BMUs) where the Rock Creek Mine is are required to adhere to mandatory food storage orders. Lolo, Flathead, Bitterroot do as well.

Most Forests are planning on incorporating food storage guidelines into their updated forest management plans.

Appendix Table C-1. Food Storage Orders and Guidelines on the National Forests.

National Forest	Applicable Orders/Guidelines	Applies to			
		Part of RZ	Entire RZ	Outside RZ	Entire Forest
<i>Yellowstone Ecosystem</i>					
Beaverhead-Deerlodge NF	1997 BDNF order on portion of Forest 2000 BDNF order on portion of Forest Both are similar to 1990 Yellowstone-wide order.	X		X X	
<i>Northern Continental Divide Ecosystem</i>					
Flathead NF	2000 NCDE-wide order.		X		
Helena NF	2000 NCDE-wide order.		X		
Lewis & Clark NF	2000 NCDE-wide order.		X		
Lolo NF	2000 NCDE-wide order.		X		
Kootenai NF	2001 voluntary guidelines similar to NCDE order.				X
<i>Cabinet-Yaak Ecosystem</i>					
Idaho Panhandle NF	None. Considering voluntary guidelines.				
Kootenai NF	2001 voluntary guidelines similar to NCDE order.				X
Lolo NF	None. Considering voluntary guidelines.				
<i>Selkirk Ecosystem</i>					
Colville NF	1989 Colville order. Similar to 1990 Yellowstone order. Enforced only in grizzly habitat.				X
Idaho Panhandle NF	None. Considering voluntary guidelines.				
<i>Bitterroot Ecosystem</i>					
None on any National Forest.					

The major differences between National Forest orders in the various ecosystems are:

1. Yellowstone orders allow for “attended camp” during the day, but require “storage” of food at night. The NCDE order allows for “attended camp” during both day and night.
2. The NCDE order includes distance measures (100 ft. day and 50 ft. night) and age requirement (18 years) in order to meet the “attended camp” definition. Yellowstone orders include no definitions attended camp.

3. Yellowstone orders prohibit hanging/storage of game within 100 yards of camp or trail, while the NCDE order does not.
4. The NCDE order includes storage in buildings and electric fencing as “bear-resistant”. Yellowstone orders do not.

Appendix Table C-2. Comparison of elements contained in National Forest food storage orders.

Element	NCDE	Cabinet-Yaak
Application Area	Recovery Zone for all Forests.	Forest-wide on the Kootenai. Voluntary guidelines only.
Application Period	4/1-12/1	not specified.
Applies to	human, pet and livestock food and garbage, except baled or cubed hay (without additives).	Human, pet and livestock food and garbage, except baled or cubed hay (without additives).
Carcasses storage in relation to camps and other facilities	if within ½ mile of camp must store during nighttime. Carcass may be on the ground in camp during day if attended.	if within ½ mile of camp must store during nighttime. Carcass may be on the ground in camp during day if attended.
Food and garbage, unless being eaten, prepared, or transported	can be attended or stored during daytime or night time.	can be attended or stored during daytime or night time.
Attended Definition	1) attendee 18 years or older 2) daytime, within 100 ft of attendee. 3) night, within 50 ft of attendee and no physical barrier.	1) attendee 18 years or older 2) daytime, within 100 ft of attendee. 3) night, within 50 ft of attendee and no physical barrier.
Burnable attractants (leftovers)	Must be stored and packed out, or burned in contained fire stove.	Must be stored and packed out, or burned in contained fire stove.
Bear-resistant container	Securable container-solid material-cap of withstanding 200 ft lbs-no openings-must be approved.	Securable container-solid material-cap of withstanding 200 ft lbs-no openings-must be approved.
Dead Livestock	Report death of livestock within 24 hours of discovery.	Report death of livestock within 24 hours of discovery.
Stored in bear-resistant manner	1) bear-resistant container 2) closed vehicle 3) hung 10x4 4) dwelling or building 5) approved electric fence	1) bear-resistant container 2) closed vehicle 3) hung 10x4 4) dwelling or building 5) approved electric fence

APPENDIX D

MEMORANDUM OF UNDERSTANDING
BETWEEN
MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS (FWP)
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
ANIMAL DAMAGE CONTROL (ADC)

COOPERATIVE ANIMAL DAMAGE CONTROL PROGRAM IN THE STATE OF
MONTANA

ARTICLE 1

The purpose of this Memorandum of Understanding (MOU) is to initiate a cooperative relationship between FWP and ADC for planning, coordinating, and implementing animal damage control programs developed to prevent or minimize damage caused by wild animal species, including threatened and endangered species, to agriculture, animal husbandry, forestry, wildlife, and public health and safety.

ARTICLE 2

FWP is authorized to control wildlife damaging livestock or property or for public health and safety by Montana Codes Annotated, Sections 87-1-201 Powers and duties of the department and 87-1-225 Regulation of wild animal damaging property.

ADC is authorized by the Animal Damage Control Act of March 2, 1931 (7 U.S.C. 426-426b), and the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1988 (P.L. 100-202) to cooperate with States, local jurisdictions, individuals, and public and private agencies, organizations and institutions.

ARTICLE 3

FWP and ADC agree that:

A. Both parties will cooperate by providing facilities, equipment, personnel, and funds to conduct a joint program in the state of Montana which will prevent or minimize the economic effects of depredations caused by wild animals.

B. ADC will be responsible for capture of grizzly bears, black bears and mountain lions which are involved in livestock depredation, including bees and beehives. Upon notification of a livestock depredation where grizzly bear may be involved, the receiving party will contact the other party and a joint investigation will be conducted.

C. Grizzly bear control activities will follow the action procedures for determining grizzly bear nuisance status and for controlling nuisance grizzly bear in the Interagency Grizzly Bear Guidelines (attached) and 50 CFR 17.40 (b), whereby FWP will be responsible for the disposition of the animal.

D. Grizzly/livestock depredation reports will be prepared by FWP for submittal to the Great Bear Foundation. In cases where there remains a question on whether it was a grizzly involved, all information obtained during the investigation will be provided to Dr. Bart O'Gara for review and assessment.

E. FWP will be responsible for responding to non-livestock complaints involving grizzly bears, black bears and mountain lions. All non-livestock complaints will be referred to FWP.

F. Control activities and field investigations conducted pursuant to this MOU will emphasize sound management practices and due regard for the protection of domestic animals, nontarget wildlife, endangered species and the environment.

G. At the written request of FWP Regional Supervisor and/or the ADC District Supervisor, notification will be provided in these regions when nuisance or livestock depredation control actions are initiated for black bear and mountain lion. All depredation complaints will be responded to within (48) hours. Assistance may be requested of either party when necessary.

H. Both parties will consult as often as necessary to review the number of depredation complaints received and the actions taken to resolve the complaints. Contacts should be made at the local level. FWP Regional Supervisors will coordinate with ADC District Supervisors.

I. ADC will submit an annual report of activities conducted. In addition, ADC will continue to provide the FWP a copy of all Bear and Lion Justification Reports.

J. Salvaging of animals will be reported on the ADC Bear and Lion Justification Report. Carcasses and/or parts will be turned over to FWP. In cases where it is impractical to turn in carcasses or all parts, those parts that remain salvageable will be turned in.

K. Both parties agree to identify areas and notify the other party where preventative measures may be taken to minimize or prevent animal damage. Cooperative preventative efforts will be undertaken whenever possible.

L. Both parties will encourage joint participation at training sessions involving animal damage control.

M. The Field Services Services Division for FWP will provide for statewide liaison with the Montana Director of ADC regarding activities related to this MOU.

ARTICLE 4

All animal damage control activities will be conducted in accordance with the applicable Federal, State, and local laws and regulations.

ARTICLE 5

This agreement and any continuation thereof shall be contingent upon the availability of funds appropriated by the Congress of the United States and the State of Montana. It is understood and agreed that any monies allocated for the purpose of this agreement shall be expended in accordance with its terms and in the manner prescribed by the fiscal regulations and/or administrative policies of the agency making the funds available.

ARTICLE 6

Pursuant to Section 22, Title 41, United States Code, no member of or delegate to Congress shall be admitted to any share or part of this MOU or to any benefit to arise therefrom.

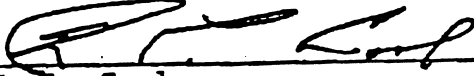
ARTICLE 7

This MOU shall supersede all existing memorandums of understanding and supplements thereto relating to the conduct of animal damage control programs with FWP. All cooperative animal damage control programs now in progress shall be incorporated and continued under this MOU for the purpose of being consistent.

ARTICLE 8


This MOU shall become effective upon date of final signature and shall continue indefinitely. This MOU may be amended at any time by mutual agreement of the parties in writing. It may be terminated by either party upon 60 days written notice to the other party.

MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS


K. L. Cool
Director

August 13, 1990
Date

USDA
Animal and Plant Health Inspection Service


Noting Administrator

SEP 20 1990

Date

APPENDIX E

GUIDELINES FOR BEAR DEPREDATION OF BEEHIVES

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12-21-87

MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS
GUIDELINES FOR
BEAR DEPREDATION OF BEEHIVES

Bear depredation to beehives is considered a specialized depredation problem. Consequently, the following guidelines are considered a supplement to the existing, more extensive game damage guidelines dated September 30, 1985. Existing statutes and rules classify bees as livestock. Bees must, therefore, be included with other livestock in statutes which address predation and other problems related to livestock (87-3-127 and 87-3-130). These statutes allow livestock owners to shoot, trap or chase with dogs any bears that have destroyed, or are threatening to destroy beehives. These statutes do not supercede private property rights. Landowners may prevent bears from being killed by both beekeepers and Department personnel by preventing access to their property.

1. All bear depredation complaints to the Department will be investigated within 48 hours (87-1-225). Complaints by beekeepers should be made to local ADC agents or Department of Fish, Wildlife and Parks' personnel. "First contact" individuals or procedures may vary locally. Coordination with ADC relative to bear-bee issues will be accommodated at regional level by Regional Supervisor.
2. All bears known by the Department to have destroyed beehives will be killed in compliance with Department policy. When the Department responds to a verified beeyard damage complaint where bees have been killed by the bear, killing the bear is the only alternative. Beekeepers must have permission of the landowner to kill depredating bears on property other than their own.
3. Beekeepers may shoot, trap, snare or chase with dogs, any bears that have destroyed, or are threatening to destroy beehives (87-3-127; 87-3-130). Beekeepers must have reasonable evidence that bears killed have caused damage and avoid the killing of "innocent" bears. Any bears killed by landowners or beekeepers shall be reported to the Department as soon as practical and no later than 72 hours (87-3-130). After report of a bear kill, FWP personnel will complete the depredation report and the necessary parts and data will be obtained (e.g. tooth, claws, skull). All bears killed by landowners or beekeepers will remain the property of the state.

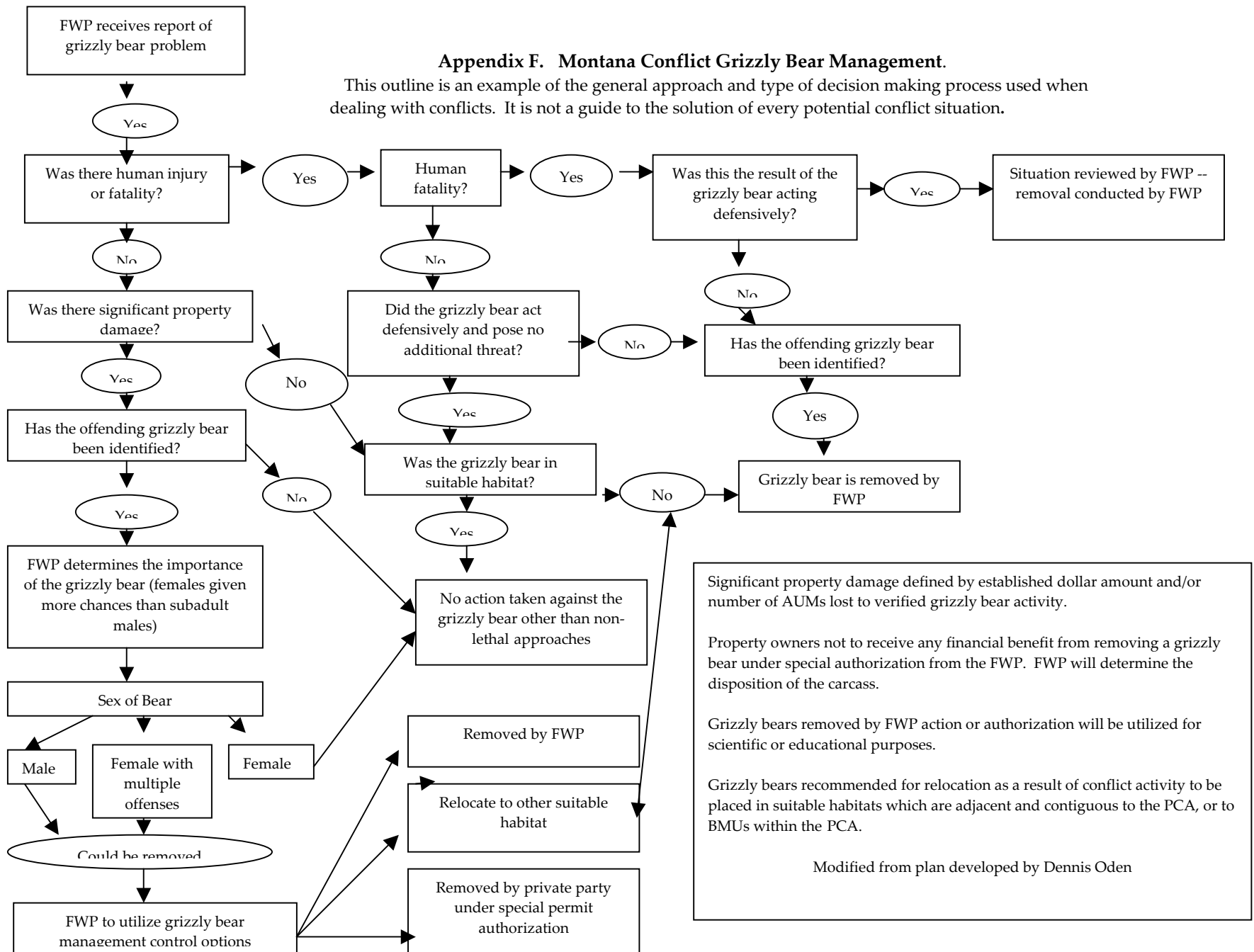
4. Trapping or snaring of bears by beekeepers must occur within 50 feet of beehives. Snares should only be used after damage has occurred. All traps and snares must be checked at least every 12 hours (87-3-127).
5. Beekeepers using a beehive within 50 feet of an active, occupied registered beeyard, for the purpose of trapping, snaring or shooting depredating black bears, are not baiting as defined under state law (87-3-101).
6. Bears caught by agency personnel in culvert or live traps in the general vicinity of beeyards, but not known to have actually caused damage, will be held up to 12 hours in the trap so that stools may be inspected for evidence of having caused damage to beehives.
7. Live-trapped bears showing evidence of having caused depredation on beehives will be killed.
8. Live-trapped bears that do not display evidence of having caused beehive damage, and have no history of other nuisance problems, may be relocated under the following circumstances and in compliance with 87-1-231 to 234.
 - A. All relocated nuisance black bears will be marked with special "nuisance bear" eartags; records of marked bears will be kept at the regional level; proper distribution of "nuisance bear" eartags will be the responsibility of the Regional Supervisor.
 - B. Grizzly bear relocation will follow the IGBC Nuisance Bear Guidelines;
 - C. Release sites of nuisance black bears will preferably be at least 50 miles away, in a different mountain range, in an area of low bear density and not in an area of known chronic bear problems. It is recognized that it may not always be possible to meet all of these criteria. Selection of areas for relocations will be the responsibility of the Regional Supervisor.
9. When possible, hunters will be utilized in removing known damage-causing bears during open bear hunting season. A hunter roster for damage hunts will be considered on a region by region basis and will be the responsibility of the Regional Supervisor.
10. The Department will work towards refining of techniques for the protection of beeyards from depredating bears. As new technology becomes available, information will be passed on

to beekeepers. New techniques may be pilot tested with cooperating beekeepers.

11. The Department will consider cost-sharing protective structures in certain situations. In "chronic" bear problem areas, the Department will provide a charger to beekeepers who wish to protect their beeyards with electrified fences and who are willing to purchase the materials and erect and maintain such a fence.
12. Other options, such as moving beeyards, should be considered when trying to reduce chronic bear problems. Beekeepers will be encouraged to prevent bear depredation problems whenever possible.
13. The Field Services Division will be responsible to maintain an active liaison with the Beekeepers Association to mutually seek preventative measures to protect beehives and discourage bears from damaging hives.

Contact individuals relative to these guidelines are Glenn Erickson, 444-2612; Gene Allen, 444-2602; Bob Bird, 444-2452.

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APPENDIX G

SUMMARY OF HABITAT GUIDELINES FOR GRIZZLY BEARS IN WESTERN MONTANA

The management of habitat that grizzly bears in western Montana require for survival is dependent upon the laws and regulations of both federal and state agencies. These laws and regulations provide the legal basis for providing secure habitat, managing human/bear conflicts, limiting access where necessary, controlling livestock grazing, and monitoring habitats. In addition, tribal designations and wildlife management programs, coupled with corporate, individual and community based stewardship initiatives form an integral part of grizzly bear habitat conservation efforts by providing regional and local support. Consequently, management direction, standards and guidelines for the grizzly bear in western Montana are currently located in numerous documents. The following represents a synopsis of current habitat direction for grizzly bears across the 17-county area of this management plan. Corporate, tribal, state and federal plans and conservation strategies are compared in tabular form after the narrative.

1. Private Lands

American Wildlands (AWL)

AWL is a regional conservation organization that advocates working with community residents, local land trusts, agency biologists and county and transportation planners in an effort to create a network of habitat linkage zones that allow for safer wildlife movement between core protected areas in the Northern Rockies. Their Safe Passages project and Corridors of Life program employs Geographic Information Systems (GIS) technology to identify potential wildlife corridors. This information is used to promote the design of more wildlife friendly highways and construct animal crossings.

Blackfoot Challenge (BC)

The BC is a watershed-wide stewardship group whose mission is to coordinate efforts that will enhance, conserve and protect the natural resources and rural lifestyle of Montana's Blackfoot River Valley for present and future generations. In addition to engaging in voluntary efforts to reduce grizzly bear-human conflicts, the group has begun to coordinate management strategies for grizzly bears and participate in the USGS Grizzly Bear DNA study. Work in the Blackfoot is monitored with help from Montana FWP and data integrated into a GIS database to facilitate spatial monitoring for management application. In addition, the BC has established a Conservation Strategies Committee which is currently working with private landowners to conserve intact landscapes through voluntary conservation easements.

Blackfoot Community Project

The Blackfoot Community Project is a land transaction program involving the Blackfoot Challenge, The Nature Conservancy and Plum Creek Timber Company. This community-based effort provides an opportunity for local residents to guide the future ownership and management of nearly 88,000 acres of large, relatively intact landscapes with critical community, agricultural and biological values in the Blackfoot Valley. Land will be purchased and re-sold according to a community-driven plan.

In the first phase of the project, the Montana Nature Conservancy (TNC), on behalf of the Blackfoot Community Project, acquired 42,927 acres of former Plum Creek Timber Company lands and is in the process of re-selling them to private buyers with conservation agreements and to public buyers, in accordance with the community-developed plan. In 2005, TNC purchased an additional 11,000 acres

from Plum Creek, bringing the total number of acres purchased within the 88,000-acre Blackfoot project area to 54,000. Of this, 9,460 acres have been re-sold to public and private landowners. Another 11,000 acres is expected to be sold to the U.S. Forest Service.

Flathead Land Trust (FLT)

The FLT, based out of Kalispell, is a community land trust that actively works with local landowners, community members and organizations in the Flathead Valley to protect wildlife, scenery and water quality through voluntary conservation easements. Once an easement is completed, the trust initiates regular monitoring to ensure that conditions of the easement are being observed. The Trust currently manages 32 conservation easements in the Flathead Valley and 7,000 acres of protected wetlands, farmland, wildlife sanctuaries, and working forests. The FLT has also received several grants recently that will increase their ability to add new conservation easements as well as monitor and steward existing easements.

Great Northern Environmental Stewardship Area (GNESA)

GNESA is a partnership comprised of private landowners, citizen's organizations, business corporations and government agencies with a presence in the Middle Fork Flathead River corridor: an area that bisects the natural lands of the Bob Marshall Complex and Glacier National Park. This corridor encompasses unparalleled natural landscapes, critical wildlife habitat, a pristine free-flowing river and vital transportation and utility routes, all of which contribute essential values to the region. The goal of the partnership is to work collaboratively towards resolution of important resource issues in an effort to promote enlightened stewardship and collaborative responsibility. Projects undertaken by GNESA include:

- reducing human and grizzly conflicts and preventable bear deaths
- proactive efforts for safe transport of hazardous materials through the corridor
- improving corridor communication and emergency response coordination
- conservation planning for private lands

Montana Land Reliance (MLR)

Primarily using conservation easements, the MLR works with Montana's private landowners both one-on-one and in neighborhood-based groups to provide long-term, legally sound conservation strategies to protect the economic and natural elements of their land and neighborhoods. The goal is to protect 1 million acres of private lands through conservation easements in Montana by 2010. Presently, the land trust has put 400,000 acres in conservation easements, including four around Flathead Lake. The organization has played an active role in the Swan Valley, completing 22 additional easements to protect roughly 2,000 acres. Easements completed in 2004 have increased the total land in the Montana portion of the NCDE to nearly 13,000 acres. The organization also has a Land Stewardship Program to develop management plans with landowners.

Northwest Connections (NWC)

NWC engages in community based projects which assist land managers and private land owners in better understanding, conserving and restoring critical habitats and habitat connections in the Swan Valley and surrounding areas. As part of its long term grizzly bear strategy, NWC, in conjunction with the Flathead National Forest, plants blister-rust resistant whitebark pine seedlings, helps conduct surveys to assess remnant whitebark pine populations and monitors open and closed roads and trails.

The Montana Nature Conservancy (TNC)

The Montana TNC's goal is to protect unique habitat, areas rich in biodiversity, and areas critical for threatened or endangered species. Their efforts focus on land acquisition and conservation easements. Their strategy along the Rocky Mountain Front is to secure habitats used most heavily by grizzly bears and maintain critical linkages between public and private lands that enable bears to continue their seasonal movements. To achieve this goal, the organization works with a variety of partners and employs a number of tools including accepting or purchasing conservation easements from private landowners, providing technical expertise to help other organizations acquire habitat and potentially acquiring additional preserve lands.

Working extensively with the Blackfoot Challenge and Plum Creek Timber Company, TNC has purchased thousands of acres of former Plum Creek Timber Company lands in the Blackfoot region (see Blackfoot Community Project).

Other TNC projects involving maintenance and preservation of grizzly bear habitat include purchase, in 1978, of the 18,000 acre Pine Butte Swamp Preserve, on the Rocky Mountain Eastern Front. A travel plan is in effect on the preserve that governs human movement relative to seasonal activities and grizzly bear habitat. The goal of the plan is to reduce human induced displacement of bears, particularly in riparian and wetland areas. In addition, in 1986, the Conservancy purchased 392 acres in the Swan Valley, creating the Swan River Oxbow Preserve. The area provides grizzly bears with a corridor between the Swan Mountain Range to the east, and the Mission Mountains to the west.

2. Corporate Lands

Plum Creek Timber Company

Plum Creek Timber Company has implemented voluntary habitat management guidelines, outlined in its *Plum Creek Grizzly Bear Best Management Practices* document, in areas adjacent to U.S. Fish and Wildlife Service (USFWS) Management Situation (MS) 1 lands. The guidelines are implemented on a site-specific scale and are subject to change as new scientific information or site conditions warrant (Henning Stabins, senior wildlife biologist, Plum Creek Timber Company). Management guidelines include:

Plum Creek Grizzly Bear Best Management Practices	
Road density	Maintaining open road density (ORD) of 1 mi/ sq. mi or less on timber company lands.
Timing of management	Coordinate management activities so they occur at time when area has least biological importance to bears.
Road construction	Limit construction of new roads in preferred grizzly bear habitat such as riparian zones and show chutes. If impractical, consider screening.
Cover	Retain cover in preferred habitat and along open roads. Even-aged cutting units laid out so that no point in unit >600 ft from cover.
Harvest in riparian habitat	Utilize silviculture prescriptions that maintain cover and forage values. Plum Creek's Native Fish Habitat Conservation Plan also provides benefits.

Plum Creek Timber Company is also a primary party in the *Swan Valley Grizzly Bear Conservation Agreement* (1997), along with the Montana Department of Natural Resources (DNRC), Flathead National Forest and the USFWS. The objective of the agreement is to establish an ecosystem based management plan throughout the conservation area which allows affected parties to realize economic and recreational benefits of their ownership while helping to conserve the grizzly bear and other species. Major elements

of the agreement include special management of four grizzly bear “linkage zones” across the Swan Valley, especially during the critical spring period, guidelines and limitations on commercial timber harvest operations, protection of riparian habitat and road management. Specific guidelines in the agreement are summarized below.

Swan Valley Grizzly Bear Conservation Agreement	
Road density and secure core habitat	No more than 33% of any BMU subunit shall exceed ORD of 1 mi/ sq. mi (long term goal of no more than 21%). Plum Creek and DNRC not subject to TRD standard.
Timing of management activity	Management activities, other than planting and burning, should not be conducted in preferred spring habitats from April 1 to June 15. Commercial use (major forest management) will be concentrated in active subunits according to rotation schedule.
Road construction	New road construction in preferred grizzly bear habitat, including riparian zones, will be limited. Existing roads in these areas not needed for management will be reclaimed or relocated.
Cover	No less than 40% by subunit. Visual screening will be the objective adjacent to open roads. Even-aged cutting units laid out so that no point in unit >600 ft from cover.
Harvest in riparian habitat	Use of uneven-aged forest management practices in riparian zones
Road reclamation	Contribute to security within linkage zones by reclaiming or restricting roads. Reclaim roads to enhance use of high quality grizzly bear habitat areas, and to complement adjacent areas of secure habitat

Plum Creek’s *Native Fish Habitat Conservation Plan* (2000) applies to 1.4 million acres of Company land in Idaho and Montana. Under this 30- year plan, habitat for eight species of native trout and salmon are protected in over 1,300 miles of fish-bearing streams on Plum Creek property. The HCP contains 56 conservation commitments covering a wide range of activities including timber harvest, road construction, stream habitat enhancement and livestock grazing; some of the objectives and guidelines may well provide benefit to grizzly bears and their habitat.

Substantial federal grants, awarded between 2001 and 2004, have also allowed the USFWS to work collaboratively with Plum Creek Timber Company, MTFWP and the Trust for Public Lands, to protect thousands of acres in the Thompson, and Fisher River Valleys through the purchase of conservation easements. These conservation easements have helped maintain and protect important grizzly bear habitat (riparian and wetland) from the threat of subdivision and development and represents the largest conservation easement in Montana’s history.

More recently, Avista Corporation, The Conservation Fund, Plum Creek Timber Company and Montana FWP completed a conservation agreement on more than 1,800 acres of land formerly owned by Plum Creek and Genesis Mining Company. The result was the creation of the Bull River Wildlife Management Area (WMA), which is to be managed by Montana FWP. The Bull River WMA was formally dedicated in May 2005.

Burlington Northern – Santa Fe Railroad (BNSF)

In cooperation with GNEA, the BNSF has implemented an operating protocol that includes several railroad operation and maintenance procedures intended to minimize grizzly bear/train collisions and ensure a rapid response and removal of attractants from the railroad right-of-way. In addition to the protocol, the GNEA agreement includes the provision for developing a \$1 million conservation trust fund for the purpose of assisting GNEA cooperators in implementing a variety of grizzly bear conservation activities in the Middle Fork Flathead River corridor.

The BNSF, in consultation with the USFWS, is also preparing a Habitat Conservation Plan (HCP) and a draft Environmental Assessment (EA) which will (i) clarify activities associated with the operation and maintenance of the railroad which may affect grizzly bears (ii) evaluate other factors that contribute to human caused mortality of bears in the corridor (iii) evaluate alternative strategies to minimize the effects of railroad operations on grizzly bears and (iv) develop an adaptive management framework for grizzly bear conservation in the corridor. BNSF anticipates that the HCP will update and build upon the GNEA existing agreement and will incorporate active adaptive management features, with an emphasis on documenting all human-caused grizzly bear mortality in the corridor, evaluating factors that contribute to each mortality, and evaluating methods to reduce the potential for human-caused mortality.

3. State Lands

3.1 Montana, Fish, Wildlife and Parks (FWP)

The Administrative Rules of Montana (ARMs), Grizzly Bear Policy (MCA 12.9.103) outlines guidelines for Montana FWP to promote the conservation of grizzly bears within the State. With specific reference to habitat, the department will work to perpetuate and manage grizzly bear in suitable habitats for the welfare of the bear and the enjoyment of the people of Montana and the nation.

In addition to legislated ARMs, the *Interagency Rocky Mountain Front Wildlife Monitoring/Evaluation Program Management Guidelines for Selected Species* (1987) provides guidelines for managing grizzly bears along the eastern front of the Continental Divide. These deal with mitigating the influences of human activities on grizzly bears and grizzly bear habitat through area use restrictions, maintenance of cover adjacent to roads to providing security cover, planning and coordination of commercial activities on public lands and livestock restrictions. The Rocky Mountain Front Guidelines (RMFG) represent best management practices for coordinating multiple use activities within the grizzly bear management situations delineated on the Front. The RMFG are detailed coordination measures for specific activities that will assist land managers in meeting the management direction provided in the IGBG. They are consistent with the IGBG and further refine the IGBG to specific habitat conditions on the Front. Specifically, the habitat guidelines address seasonal use periods and locations of use for human activity; timing and location of helicopter use; scheduling and location of seismic and drilling activities; stipulations on cover density; timing of livestock grazing. A summary of these guidelines are provided below (overpage).

The *Montana Department of Fish, Wildlife and Parks Rocky Mountain Front Grizzly Bear Management Program* (1988) provides further direction by outlining and addressing local management plans for the Rocky Mountain Front. It includes goals and strategies that support those outlined in the Grizzly Bear Recovery Plan (USFWS, 1993) while meeting the objectives of the Programmatic Environmental Impact Statement for Northwestern Montana (MTFWP, 1986). Included in the framework are strategy directives for dealing with human/bear conflicts, population and habitat management and program evaluations.

Interagency Rocky Mountain Front Grizzly Bear Guidelines	
Seasonal use restrictions	Avoid human activities in defined grizzly bear habitat during clearly defined seasonal use periods.
Spring/summer feeding habitat	Maintain undisturbed zone of at least ½ mi. between activities and edge of habitats where important food sources occur.
Cover	Retain dense cover adjacent to roads for travel corridors and security cover. Visual security - three sight distances; same applies to timber harvest units.
Flights patterns	Establish flight patterns for helicopters in advance; locate to avoid seasonally important habitat.
Seismic/drilling activities	No seismic/drilling activities within 1 mi. of den site during denning period; scheduled drilling on adjacent sites in important bear use areas to be staggered to provide disturbance free area for displaced bears; field operation centers placed to avoid seasonally important habitat; permits to include clause providing for cancellation or temporary cessation.
Livestock grazing	Grazing deferred until after July 1; after July 1, cattle to be removed before riparian forage base reduced by 50% by either grazing or structural damage; in areas with high bear use, fencing of riparian zones to exclude livestock.
Sheep allotments	If grizzly depredation authenticated, consider seasonal changes, changing class of livestock and/or closing allotment.

The *Draft Programmatic Environmental Impact Statement, Grizzly Bear Management Plan in Western Montana, 2005* (this document) outlines the States goal to manage for a recovered grizzly bear population in western Montana and to provide for continuing expansion of that population into areas that are biologically suitable and socially acceptable. The objectives of the EIS are to (i) give a comprehensive presentation of the subject (ii) review the many variables involved (iii) develop a framework for review of alternatives and (iv) through public discussion, weigh the merits and impacts of various alternatives thus allowing selection of a program for future regional grizzly bear management. Included in the plan is direction for habitat monitoring and management, including guidelines for road densities, cover, seasonal closures road construction and human activities in seasonally important grizzly habitat. Livestock conflict resolution is also dealt with.

Additionally, as mentioned in the preceding Corporate Lands section, Montana FWP together with the Plum Creek Timber Company, and other partners, completed a conservation agreement on more than 1,800 acres of land formerly owned by Plum Creek and Genesis Mining Company. The result was the creation, in 2005, of the Bull River Wildlife Management Area (WMA), which is to be managed by FWP.

In December 2005, Montana FWP also announced that it plans to purchase conservation easements within Lake County as part of its North Swan Valley Conservation Project. The project encompasses approximately 10,880 acres in Lake County, with lands generally checker-boarded within the Swan River State Forest. FWP will acquire a conservation easement on 7,200 acres of this total, and will purchase the remaining 3,680 acres in fee, as funding allows. FWP proposes to convey any fee lands that it acquires to another management entity (agency or nonprofit) that will manage the land consistent with the habitat conservation and working forest principles of the Forest Legacy Program.

3.2 Department of Natural Resources and Conservation Lands (DNRC)

Montana DNRC manages land that contains important seasonal and year long habitats for grizzly bears in western Montana. It is the policy of the Montana DNRC to conduct programs and activities in a

manner that limits the potential for conflicts between grizzly bears and humans and that provides habitat to recover of the bear. Land uses that have the potential to adversely affect grizzly bears, or their habitat, will be conducted in a manner that is compatible with bear behavior and habitat needs, but not to the extent of excluding other uses. The Forest Management Bureau of the Montana DNRC has administrative rules for management of state Trust lands regarding grizzly bear habitat in western Montana. Currently, the following summarized direction is provided:

DNRC Grizzly Bear Management on Blocked Lands in NCDE (Stillwater and Coal Creek State Forests)	
Secure core habitat	No net decrease in proportion of each BMU subunit (trust lands only) designated as secure core habitat from baseline levels calculated in 1996
Road densities	No net increase in the proportion of each BMU subunit (trust lands only) that exceeds ORD of 1mi/sq. mi from baseline levels calculated in 1996; calculate TRD and make efforts to reduce TRD
Timing of harvest activities in secure core habitat	If management activities need to occur in secure core areas, efforts to conduct such activities during denning period. In non-denning period, efforts to minimize air and ground-based harvest activities to extent practical
Cover	Retain no less than 40% of any BMU subunit (trust lands only) in hiding cover; provide visual screening adjacent to open roads, where practical
Road closures	Monitor road closures annually to effectiveness and make necessary repairs within one operating season
Firearms	Prohibit contractors from carrying firearms in recovery zones
DNRC Grizzly Bear Management on Other Scattered Western Lands in NCDE and CYE (Lincoln, Missoula, Kalispell, Plains, Libby)	
Road densities	No permanent net increase of ORD on parcels that exceed ORD of 1 mi/sq. mi using simple linear calculations
Cover	Retain visual screening cover to extend practical; maintain hiding cover along all riparian zones
Firearms	Prohibit contractors from carrying firearms in recovery zones
DNRC Grizzly Bear Management on Eastern Montana Lands in NCDE (Helena, Conrad)	
Habitat	Determine appropriate method to comply with ESA on a project level basis
Firearms	Prohibit contractors from carrying firearms in recovery zones

The DNRC, along with the USFWS, is currently developing a Habitat Conservation Plan (HCP). Conservation objectives outlined in the *Montana DNRC Forested Trust Land Habitat Conservation Plan, Draft Grizzly Bear Conservation Strategy* (2005) address promoting safety for humans and bears, minimizing displacement of bears from suitable habitat, contributing to overall bear recovery, maintaining important habitat and connectivity as well as monitoring of grizzly bears. Because of the varied mix of ownership that exists on these lands, some commitments apply to all DNRC HCP project area lands, while others are applicable to specific locations and types of ownership in relation to federally designated grizzly bear recovery zones and non-recovery occupied habitat. Additive measures contained in the draft HCP progressively state higher levels of commitment that are applied for various areas as the likelihood of grizzly bear presence and the need for conservation increase. Completion of the HCP process and policy implementation is expected by 2009. Proposed commitments are briefly summarized in the following table (overpage).

DNRC – Draft HCP Grizzly Bear Conservation Strategy	
All HCP Covered Lands	
Active den sites	Suspend all motorized forest management activities within 1 km of active den site through May 31.
Road construction	Avoid open road construction in riparian and avalanche chute areas.
Cover	Provide vegetative screening in riparian zones and wetland management zones: maintain 25 ft. no-cut buffer in riparian zones.
Firearms	Restrict employees and contractors from carrying firearms while on duty.
Additional Specific Measures to Apply Within Occupied Habitat Outside the Recovery Zones	
Road construction	Avoid new road construction to extent practical; no target or cap on TRD.
Cover	Design cutting units so no point in unit >600 ft. from cover.
Spring management	Prohibit forest activities in spring habitat during spring but allow commercial, salvage harvest and low-intensity forest management activities within 100 ft. of open road.
Grazing restrictions	Provide USFWS opportunity to review grazing mitigation plan for weed control and provide DNRC information on site specific bear use.
Additional Specific Measures that Apply Inside Recovery Zones	
Habitat considerations	Assess impacts of new timber sale projects and develop site-specific mitigations to avoid important bear habitat components.
Cover	Where practical, leave vegetation along open roads where clearcut and seed tree harvesting occur.
Road closures	Examine road closures annually and make repairs within one year.
Grazing restrictions	Prohibit any new small livestock licenses; will not initiate establishment of new grazing licenses.
Post-denning mitigations	Prohibit mechanized forest activities at elevations above 6,300 ft, with 45 degree elevation between April 1 and May 31.
Swan River State Forest – Swan Valley Grizzly Bear Conservation Agreement	
n/a	description under the Plum Creek Timber Company sub-section.
Additional Specific Measures that Apply within Stillwater Block – inside NCDE	
Timing of management	Operational activity restrictions for spring and fall seasons in areas which are of particular importance to grizzly bears.
Timber harvest	Active management, followed by rest in secure zones (4 years of management, 8 years rest).
Road density	Static road transportation system and motorized access restrictions specifically designed to promote seasonal-habitat security; no new permanent roads in identified secure zones; seasonal restrictions on other land.
Additional Specific Measures that Apply on Scattered Lands - inside NCDE	
Road density	Reduce ORD for each timber sale project to extent possible.
Timber harvest	Active management, followed by rest (4 years of management, 8 years rest); DNRC may interrupt rest for salvage harvest.
Additional Specific Measures that Apply in CYE & Occupied Habitat Near the CYE	
Road density	Inside RZ, expedite addressing ORD; where possible, implement closures.
Timber harvest	Inside & outside RZ, more restrictive short term exceptions to 8 year rest period.
Spring management	Inside RZ, more restrictive management in spring period; may conduct motorized low-intensity activities such as road maintenance, tree-planting.

Montana DNRC also participated in the development of the *Swan Valley Conservation Agreement (1995)*, and intends to manage lands in the Swan Valley State Forest according to the management direction contained therein. Should the agreement dissolve, it is the intention of the DNRC to implement alternate measures developed during the HCP process. This strategy assumes a worst-case scenario, however, and would not necessarily preclude the DNRC from participation in future access management agreements.

4. Tribal Lands

4.1 Bureau of Indian Affairs

The *Blackfeet Agency Forest Management Plan and Environmental Assessment (1984)* does not make specific mention of grizzly bear management. Page 56 does, however, refer to the National Environmental Policy Act which contains regulations applicable to Indian Lands administered by the Bureau of Indian Affairs. There are sufficient guidelines to implement this act as it relates to forest management actions. All forestry projects affecting the environment require preparation of an environmental assessment prior to approval. The plan also calls for mitigating measures (page 33) to preserve or increase the present populations of elk, deer and bear. Specific mitigation measures for designated management units are listed on page 35.

Currently the Bureau of Indian Affairs manages the timber, range, and oil and gas resources on tribal trust land. The Bureau consults with the FWS when activities are planned in areas containing sensitive grizzly bear habitat.

4.2 Blackfeet Indian Reservation

Approximately six percent of the Grizzly Bear Recovery Zone in the NCDE occurs within the boundaries of the Blackfeet Indian Reservation. Grizzly occupied areas on the reservation are bordered on the north by Alberta, Canada, on the west by Glacier National Park and Lewis and Clark National Forest, and on the south by State and private land. Most of the grizzly habitat on the Reservation is on tribal trust land, the rest being privately owned by tribal members and non-tribal members.

Habitat guidelines and directions are covered in the *Tribal Fish and Game Code (1988)* which deals with the management of all fish and wildlife species on the reservation. Objectives of the Code include the development of specific management plans for individual species such as grizzly bears [chapter 2, sec. C (5)], monitoring and quantifying seasonal habitat use of such species, and preparing regulations necessary for resource management within the Blackfeet Reservation [sec.C(6,10)].

Grizzly bears are defined as big game species on the Reservation (Chapter 4, sec.1) and procedures for actions to be taken in the case of depredation by bears (section 14) are in compliance with the IGBC guidelines.

The Interagency Grizzly Bear Committee has defined five management situations for grizzly bears and the Blackfeet tribe uses these in its management programs. Although no MS 1 habitat occurs on the reservation, the *Draft Bear Management Plan and Guidelines for Bear Management on the Blackfeet Indian Reservation (1988)* provides overall goals, objectives and guidance for management of bears. The area currently included in Big Game Management Zones 1 and 2 will be treated as MS 2. Town sites within that area will be considered MS 3 in which bear presence and factors contributing to their presence are discouraged. The remainder of the Reservation will be managed as MS 5 in which bears occur only rarely and consideration for their habitat is generally not directed. Bear presence is neither actively discouraged nor encouraged.

The Threatened and Endangered Species (TES) Program will assume the lead role in management actions involving grizzly bears. More specifically, the tribal wildlife biologist or Blackfeet Fish and Wildlife Department (BFWD) director will review and comment on all activities of the Tribe or Bureau of Indian Affairs that require tribal permits, environmental assessments, or similar documentation to ensure that conservation of bear habitat is considered in the process. Mitigation will be required so that impacts on bears and/or their habitat from such actions will be minimal.

4.3 Confederated Salish and Kootenai Tribes

The Flathead Indian Reservation includes important grizzly bear habitat, primarily in the Mission Mountains along the eastern edge of the Reservation. Grizzly bear habitat within the exterior boundaries of the Reservation is located primarily on tribal trust lands, although limited bear use also occurs on private lands held by Tribal members and non-members.

The *Flathead Indian Reservation Forest Management Plan (2000)* sets long and short term goals and objectives for all forest resources and proposes to use an ecosystem-centered, coarse-filter approach to provide ecosystem structures and processes on a broad scale, while using a fine filter strategy to protect sensitive species like grizzly bears. Direction is provided in the form of objectives and standards.

Forest-wide wildlife objectives include road closures and improving wildlife habitat through implementation of travel corridors and linkage zones while forest-wide transportation objectives call for re-routing roads out of riparian areas in timber sale planning areas. Specific reference to threatened and endangered species in the forest-wide standards states that land management activities that deal with the presence or potential presence of such species and their habitats will require Biological Assessments and consultation with the USFWS. Although Standard 8, under the Forest-wide Standards for Wildlife Management (page 284) points out that standards and guidelines for grizzly bear management and habitat follow recognized standards emphasizing secure areas, minimal roads, travel corridors, linkage zones and habitat maintenance, no specific guidance is provided in this document.

Specific management of grizzly bear habitat falls primarily under the direction of the *Flathead Indian Reservation Grizzly Bear Management Plan (1981)*. The goal of the plan is to secure and or/maintain a viable self-sustaining population in critical habitat occupied in the Mission Mountains. Objectives dealing with habitat management call for maintaining habitat required for a viable population, minimizing human-bear conflicts, and managing natural resources to minimize adverse effects and maximize benefits for bears while meeting the natural resource needs of the Confederated Tribes. Habitat management strategies are included in Chapter II, Section B, of the Flathead Indian Reservation Grizzly Bear Management Plan and address the following (overpage):

Flathead Indian Reservation Grizzly Bear Management Plan	
Road management	Incorporate forestry practices that minimize adverse effects. Include road closures, seasonal closures, buffer strip maintenance and visual cover
Cover	Visual cover should be maintained along streams, wet areas and adjacent to major habitat components such as snow chutes and shrub fields
Timing of forest management activity	General timber harvest and road activity limitations for each habitat component. Planning of timber sales to consider maintaining disturbance-free zones around each timber sale for at least 2 years.
Livestock Grazing	Minimize competition and conflict by reviewing leases in critical habitat. Limitations as to time of year, access and class of stock recommended.
Private land development	Identify low elevation habitats subject to possible subdivision and residential development. Incorporate management strategies including zoning, easements and acquisition
Seasonal area restrictions	Temporary recreational trail closure, temporary campground closure, seasonal restrictions on grazing; limitations on road construction activities.

Direction is also provided in the *Mission Mountain Tribal Wilderness Management Plan* and the *Buffer Zone Management Plan*. Although guidelines are similar to those outlined in the Grizzly Bear Management Plan, special management consideration within the Mission Mountains Tribal Wilderness is also provided by the following:

- Special Grizzly Bear Management Zone - established in 1982, surrounding McDonald Peak and Ashley Lakes drainage. Each year the entire area is closed to human use from July 15 (earlier if the situation warrants it) to October 1 (later if the situation warrants it) to both minimize disturbance to bears, and to provide for the safety of people.
- Ashley Lakes Day Use Area - located within the Special Grizzly Bear Management Zone, is restricted to day use only when the area is open to recreational use (when the Grizzly Bear Closure is in effect, this area is also closed).
- Spring Stock Use Closure - since 1989 the entire Tribal Wilderness area is closed to all livestock use (including pack and riding stock) from March 1 through June 30.

Through a variety of funding sources, the Tribes are also actively purchasing important bear habitat along the Mission Mountain Front and valley bottom. To date, the Tribes have purchased or protected close to 2,000 acres of occupied and usable habitat. Over 1,000 acres are being managed specifically for wildlife habitat values.

5. Federal Lands

5.1 National Parks (NP)

Glacier National Park (GNP) is the only national park located within the geographic range of this management plan. The National Parks Service's *Resource Management Plan* (1994) instructs National Park managers to "perpetuate and prevent from harm (through human actions) wildlife populations as part of the natural ecosystem of parks" while GNPs *General Management Plan* (GMP), completed in 1994, sets the general management philosophy and direction for the next 20 years. The GMP sets management zones that reflect the grizzly bear management situations as defined in the Recovery Plan. For example the Visitor Services Zone in Glacier GMP sets out the same parameters as those for Situation 3 in the

Recovery Plan. The Backcountry Zone roughly approximates Situation 1. Glacier's Backcountry and Wilderness Management Plan (2004) defines the backcountry camping permit system, layout of designated backcountry campgrounds, trail brushing standards, bear information sign standards and other pertinent management actions that benefit bear conservation

Specific reference to bear habitat within GNP is also dealt with in the *GNP Bear Management Plan* (2004) which states that "the staff of Glacier National Park is responsible for protecting and perpetuating the naturally functioning ecosystems in the Park, including bears and their habitat". Outlined goals include providing for the long term survivability of the grizzly bear in GNP and the NCDE and fulfilling the mandate of Congress, as expressed in the National Park Service Organic Act of 1916, by striving to protect and maintain the natural habitat and status of the bears, while maximizing the security and safety of the Park visitor. Direction provides for educating back country users and temporary closure of backcountry areas with consistent bear presence. Furthermore, the Park recognizes the importance of collaborating with other agencies, Indian tribes and private individuals and organizations in the NCDE to enhance the regional survivability of the grizzly bear. The *GNP Bear Management Guidelines* (2004) are intended to be used as a field guide for meeting the objectives of the Bear Management Plan.

5.2 National Wildlife Refuges (NWR)

The NWR System encompasses national wildlife refuges, wetlands and other special management areas and resource management falls under the direction of USFWS. It's mission is "to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations" (*National Wildlife Refuge System Administration Act of 1997*).

Within the area covered by this report, two refuges under various land ownership patterns exist. The National Bison Range Complex encompasses Lost Trail NWR, Ninepipe NWR, Pablo NWR, Northwest Montana WMD, the Swan River NWR plus 18 waterfowl production areas. Lee Metcalf NWR is located to the south. The USFWS currently has three management programs for the protection of resources under the National Wildlife Refuge System; a Waterfowl Production Area, a Wildlife Management Area or a Refuge Unit.

In August 2005, the USFWS approved the establishment of the *Rocky Mountain Front Conservation Area* along the eastern edge of the Continental Divide in northwestern Montana. The Conservation Area will be monitored as part of the Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 and other relevant legislation, executive orders, regulations, and policies, including the Grizzly Bear Recovery Plan (USFWS 1993). Using funds from the Land and Water Conservation Fund, the USFWS plans to purchase perpetual conservation easements from willing sellers on 170,000 acres of private land to conserve wildlife habitat. The easements will help maintain a relatively large, unfragmented block of habitat between existing protected areas including state wildlife management areas, The Nature Conservancy's Pine Butte Swamp Preserve, and Boone and Crockett Club's Theodore Roosevelt Memorial Ranch. According to the *Environmental Assessment and Land Protection Plan for the Rocky Mountain Front Conservation Area* (2005) grazing will not be restricted on the land, however, subdivision and development for residential, commercial, or industrial purposes will be prohibited. Altering the natural topography, converting native grassland to cropland, wetland drainage or establishing game farms would also be prohibited.

5.3 Bureau of Land Management (BLM)

Habitat management guidelines for grizzly bears on federal lands administered by the BLM in western Montana are located within area specific *Resource Management Plans* (RMP). The BLM also relies on the Interagency Grizzly Bear Guidelines (1986) and the Interagency Rocky Mountain Front Wildlife Guidelines (1987) for resolving management issues on the eastern front.

- Garnet Resource Area (GRA) - includes sizable amounts of public land in Missoula, Granite, and Powell counties. Although the *Garnet Resource Management Plan* (1986) recognizes that the area contains current and historic habitat for four threatened or endangered species including the grizzly bear, at the time of writing the RMP, there was no known occupation by grizzly bears. No amendments have been made to the plan and it is not due for revision until 2012 (Jim Sparks, wildlife biologist, Missoula). There are currently no habitat management guidelines in place for grizzly bears.
- Great Falls Resource Area (GFRA) - management direction is provided within the *Headwaters Area Resource Management Plan/Environmental Impact Statement* (1983). Specific guidance includes mitigating the negative effects of livestock grazing through modified livestock grazing plans that deter grazing until July 1. Further direction is also provided for forestry management practices, and oil and gas leasing and development. Direction regarding habitat access management is, however, lacking (Fred Roberts, wildlife biologist, Lewistown).
- Butte Field Office (FO) – is currently engaged in the scoping phase of revising its existing RMP. A supporting environmental impact statement (EIS) will be prepared which will address a wide variety of issues and analyze a reasonable range of alternatives for resource management in the planning area. In addition, the Butte FO is currently working on travel plans for several areas; road density analysis will be conducted for these travel plans (Sara LaMar, wildlife biologist, Butte).

5.4 National Forests (NF)

The National Forest Management Act (NFMA) of 1976 provides the legal basis and direction for development of national forest plans. NFMA specifies that the National Forest System be managed to provide for diversity of plant and animal communities to meet multiple use objectives. In addition, regulations adopted in 1979 (36 CFR 219) augment the diversity policy by requiring management of habitats to maintain viable populations of vertebrates.

Within western Montana, area specific land management direction for grizzly bear conservation is contained in individual Forest Land Resource Management Plans (LRMP). Many of these plans were produced in the 1980s and several are in the process of revision: the Bitterroot, Lolo, Kootenai and Flathead National Forests are currently revising their forest plans and expect them to be released in winter 2006.

Additionally, the 2001 Off-Highway Vehicle (OHV) record of decision to amend Forest Plans in Montana, North Dakota and portions of South Dakota, recently limited wheeled motorized cross-country travel in most National Forests in this geographic area. Several Forests have, or are currently in the process of, amending their travel plans to provide off-road motorized opportunities. The 2004 Record of Decision regarding *Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones* changes the LRMPs for the Kootenai and Lolo National Forests by amending the objectives, standards, and guidelines that address grizzly bear management within the Selkirk and Cabinet-Yaak recovery zones. Specific amendments are summarized below under each Forest, however, major changes include removing existing Forest Plan standards regarding linear open road density and

habitat effectiveness and setting specific numeric standards for open motorized road density, total motorized road density and core habitat for each BMU.

Flathead National Forest

The *Flathead National Forest LRMP* (1986), or Forest Plan, includes a goal to recover and conserve the grizzly bear (pages II-5 and II-7) and calls for standards that ensure all management activities and projects involving grizzly bears and their habitat be planned, designed and implemented in accordance with the Interagency Grizzly Bear Guidelines (pages II-25 through II-33). The Flathead Forest also has management plans for the Bob Marshall, Mission Mountains and Great Bear Wilderness Areas.

An amendment to the Forest Plan in 1995 (*Amendment #19*) provides specific forest-wide objectives and standards for direction for grizzly bear habitat and timber management, and establishes the primacy of such guidelines over all other plan direction. Principle changes in forest-wide standards for the grizzly bear require that there be no net increase in total motorized access density greater than 2 miles/square mile, no net increase open motorized access density greater than 1 mile/square mile and no net decrease in the amount or size of secure core area. Specific objectives are summarized below.

Flathead National Forest Plan	
Secure core area size, distribution and durability	Secure core areas are ≥ 2500 acres in size, distributed to provide seasonal habitats approximately proportional to availability, and remain in place for at least 10 years once established and effective.
Secure core habitat percent	In subunits where USFS ownership $>75\%$, secure core habitat is $\geq 68\%$ (10 year goal) and $\geq 60\%$ (5 year goal).
Secure core habitat trend	No reduction in secure core on USFS in subunits $<75\%$ USFS ownership.
Road densities	In subunits $>75\%$ USFS ownership: ORD is $<19\%$ of MS 1 and MS2 with density >1 mi/sq. mi (10 year goal); ORD is $<19\%$ of MS1 and MS2 with density >1 mi/sq. mi (5 year goal); TRD is $<19\%$ of MS1 and MS2 with density >2 mi/sq. mi (10 year goal); and TRD is $\leq 24\%$ of MS 1 and MS2 with density > 2 m/sq. mi (5 year goal)
Road density trend	No increase in motorized access density on USFS lands in subunits with intermingled ownership pattern and/or $<75\%$ FS ownership.
Monitoring efforts	Monitoring of human access and road densities required, coupled with annual reports.

Helena National Forest (HNF)

The *Helena Forest Plan* (1986) provides direction and guidelines for the management and conservation of grizzly bear habitat. This direction is described in the Forest-wide Goals (FP-II/1), Forest-wide Objectives (FP II/4), Forest-wide Standards (FP II-17, 19), Individual Management Area direction (FP III/56, 59, 60), Management Areas Monitoring Requirements (FP III/96), Forest Plan Monitoring Requirements (FP IV/8) and Forest Plan Appendix A (resolution of Issues and Concerns), D (Guidelines for Management of Grizzly Bear Habitat), E, (Grizzly Bear Management Outside of Recovery Zones), and N (Oil and Gas Leasing).

All of the HNF that lies within the NCDE Recovery Zone is classified as either MS 1 or MS 2. In addition to Appendix D, which provides guidelines for management of grizzly bear habitat both within and outside the recovery zone, the Plan also identifies forest-wide standards that directly or indirectly benefit grizzly bears and help minimize effects of roads and other activities on grizzly bears across the Forest.

Further direction calls for an open road density within MS 1 and MS 2 grizzly habitat (page II-19). Specific guidance is presented below.

Helena National Forest Plan	
Habitat management in RZ	Maintenance or enhancement of sufficient bear habitat to meet population recovery goals for HNF.
Road densities & trends	ORD not to exceed 1980 density of 0.55 mi./sq. mi. for MS 1 and MS 2.
Seismic operations	Stipulations issued to protect threatened and endangered species by limiting activities during critical periods, and protecting important habitat elements.

Forest Plan *Amendment #13* (1998) replaces Appendix N with a new Appendix N and contains standard lease notices and stipulations for oil and gas leases issued in the HNF. These stipulations do, however, include a clause allowing for modification of the lease should new studies indicate that such habitat is not important. Stipulations and direction regarding leases within grizzly bear habitat include:

Helena National Forest Plan – Amendment 13 (1998)	
<i>Resource</i>	<i>Stipulation</i>
Habitat (MS 1)	No surface occupancy – surface disturbing activities precluded within area important for recovery and maintenance.
Denning Habitat (MS 2)	Timing limitation – surface disturbing activities precluded (Oct 15 to April 15).
Spring Habitat (MS 2)	Timing limitation – surface disturbing activities precluded (April 1 to June 30).
Summer Area (MS 2)	Timing limitation – surface disturbing activities precluded (July 1 to September 15).
Denning & Summer Occupied Habitat (MS 2)	No surface occupancy – preclude new surface disturbing activities within overlapping occupied habitat.

Kootenai National Forest (KNF)

At this time, the Kootenai LRMP is in the process of being revised and a draft plan is expected to be released for public comment in February 2006. The *Kootenai LRMP* (1987), or forest plan, provides standards and guidelines related to grizzly bear management to (i) avoid the likelihood of jeopardizing the continued existence of grizzlies (ii) contribute toward grizzly bear conservation and (iii) coordinate Forest activities with the biological needs of the grizzly. Much of this direction is described in the Forest-wide Goals (FP-II-1), Forest-wide Objectives (FP II-6), Forest-wide Standards (FP II-22, 23) and Grizzly Bear Situation and Augmentation Discussion (Appendix 8).

The revised USFWS Biological Opinion (1995) directs the KNF to incorporate IGBC recommendations relative to the management of open and total road densities as well as core habitat. Subsequent rule sets and amendments, including the *Motorized Access Management Amendment* (March, 2004), establishes access management direction within the CYE; identified monitoring parameters include Open Motorized Road Density (OMRD), Total Motorized Road Density (TMRD) and Core Habitat. The 2004 Amendment also provides standards for bears in occupied areas outside the recovery zone. These include (i) no increases in linear open road density above baseline conditions and (ii) no permanent increases in linear

total road densities above baseline conditions. Amended habitat security standards and direction in the KNF is now provided by the following:

Kootenai National Forest Plan – amended habitat security standards (2004)	
Goals & Standards	Habitat security standards for specific BMUs
Core area	Numeric standards specific to each BMU; consider seasonal needs; fix in place for 10 year; in BMUs not meeting specific standard, projects affecting core must result in increased post-project core.
Habitat effectiveness	No standard.
Road density	No Linear ORD standard; OMRD = numeric standards specific to each BMU. TMRD = numeric standards specific to each BMU.
Road density trend	In areas not meeting OMRD and/or TMRD standards, actions affecting road density must result in move toward standards.
Movement corridor	Existing implementation - 600 ft between harvest corridors.
Administrative use	57 round trips, divided by season.
Timing constraint	No change – as per Grizzly Management Situation and Evaluation Guidelines (Appendix 8, p 10).
Mapped areas of bear occupancy outside of RZ	No net increases in linear ORD on USFS ownership land above baseline conditions in specified areas; no permanent increases in linear TRD above baseline conditions in specified areas.

Lewis and Clark National Forest

The *Lewis and Clark National Forest Land and Resource Management Plan* (1986) provides direction for the management of grizzly bear habitat. This direction is provided in the form of Long Range Goals (pp2-2 to 5) which includes aiding in the recovery of the grizzly bear in the NCDE. Additional direction is found in the Forest-wide Objectives (pp 2-4 to 9). Relevant objectives can be summarized as: important habitat for grizzly bears in the Bob Marshall and Scapegoat Wildernesses will maintained by natural processes; and management will emphasize recovery of the grizzly bear on the Rocky Mountain Division. More detailed management direction is found in the Forest-wide Management Standards (pp 2-25 to 73). Forest-wide standards can be summarized as:

- Manage recreation to minimize impacts to grizzly bears in accordance with the Endangered Species Act (a special order requiring food to be stored so it is not accessible to grizzly bears has been in place on the Rocky Mountain Division since 1995.)
- Grazing that affects grizzly bears should be made compatible with the needs of grizzly bears or such use will be disallowed (there was one sheep allotment on the Rocky Mountain Front when the plan was approved. This allotment has since been closed to sheep grazing.)
- Road use in general and for firewood collection after timber harvest activities is to be prohibited during important grizzly bear use seasons.
- Coordinate timber harvest activities to minimize disturbance to grizzly bears.*
- Maintain or improve production of grizzly bear food species on timber harvest sites.*
- Maintain escape cover and a degree of isolation for the grizzly bear in timber management activities.*
- Limit new road construction to an absolute minimum to provide isolation and disturbance free areas for the grizzly bear by avoiding wet areas, known feeding sites, known travel corridors.
- Where necessary restrict public use of existing roads to protect grizzly bear habitat.

- Use the Interagency Rocky Mountain Front Wildlife Management Guidelines to avoid or mitigate conflicts between land management activities and uses.

*This direction is specific to areas considered suitable for timber management activities. Of the approximate 782,647 acres of Lewis & Clark National Forest managed land in the NCDE only 8,026 acres (approximately 1%) are considered suitable for timber management activities.

Lewis & Clark National Forest managed lands in NCDE recovery area by management emphasis.		
Management emphasis	Acres	Percent of Area
Congressionally designated Wilderness, USFS Recommended Wilderness, USFS Wilderness Study Areas, or Research Natural Areas where direction is no motorized access. (Management Areas M,N,P,Q)	485,389	62%
Management areas for wildlife, primitive recreation, or other resource protection where direction is to minimize motorized public access. (Management Areas F,G,O)	184,938	23.6%
Management areas for wildlife habitat where the direction is for low motorized public access (0.5-1.5 miles per square mile). (Management Areas E,I)	99,975	12.8%
Management areas where the direction is for high motorized public access (3.0 miles per square mile) to facilitate use of public and private recreation developments. (Management Areas H,S)	12,319	1.6%

Lewis and Clark National Forest Plan	
Goals & Standards	Habitat security standards for specific BMUs
Core area	Standards for core area size and distribution are not set in the Forest Plan. However, size and distribution is a required reporting element in Section 7 consultation with the USFWS on activities that may influence grizzly bears. The Interagency Rocky Mountain Front Wildlife Management Guidelines set seasonal restrictions that are implemented through the existing travel plan to provide core area.
Road/Route density	TMRD varies by management area from no motorized access, to low (0.5-1.5 miles per square mile), to high (3.0 miles per square mile). In all cases, seasonal or year long restrictions may be used on roads and trails to protect natural resources. Because of restrictions ORD is often lower than the TRD identified as permissible in the table above. In addition, MRD is a required reporting element in Section 7 consultation with the USFWS on activities that may influence grizzly bears.

Actual motorized route density is typically lower then the standards described above. In addition, the Lewis and Clark National Forest is in the process of revising the travel plan or motorized use map for roads and trails on the Rocky Mountain Ranger District. A decision is expected in the summer of 2006.

This new travel plan will provide addition site specific direction above that found in the Forest Plan, most often this direction leads to open route densities below the levels identified in the Forest Plan.

Lolo National Forest

At this time, the Lolo LRMP is also in the process of being revised. Forest wide management direction in the existing *Lolo National Forest Plan* (1986) provides for the recovery of threatened species. It specifically regulates human access and use in and through occupied grizzly bear habitat and calls for tools, such as prescribed burning, to be used to enhance food-producing areas and improve habitat.

Essential grizzly bear habitat (MS 1) is further protected by Forest Strategy #24 which states that vegetative management objectives (including timber harvest and prescribed burning) will be established by the Forest wildlife biologist. Silviculture objectives and timber harvest timing must be compatible with those vegetative objectives. In areas where grizzly bear use is suspected or known to occur on an occasional basis (MS 2) activities must be scheduled so as not to conflict with bear activity.

According to the *Lolo National Forest Plan Five Year Review* (1993), there were several issues that required changes to the Forest Plan. Specific to the management of grizzly bear habitat, the forest had no ORD standard for occupied grizzly bear habitat in its LRMP. The review notes that adjoining national forests had already adopted the accepted ORD standard (1 mi/sq. mi) as a forest standard and suggested that adopting such a standard would provide consistent management direction across administrative boundaries, would be consistent with current research findings, and would comply with USFWS policy.

While the 1986 LNF LRMP contained no requirement for management of security habitat (effective grizzly bear habitat), in the early 1990s, the Forest adopted a requirement for management of displacement habitat within the Bear Management Analysis Areas (BMAA's: subunits within a BMU that are delineated for cumulative effects analysis). Beginning in 1999, direction for grizzly bear habitat management was provided by an Interim Rule Set issued by the Cabinet-Yaak/Selkirk Subcommittee of the Interagency Grizzly Bear Committee.

More recently, the Lolo National Forest LRMP amendment (*Motorized Access Management Amendment*, signed March, 2004) establishes habitat security and access management direction in the CYE; identified monitoring parameters include Open Motorized Road Density (OMRD), Total Motorized Road Density (TMRD) and Core Habitat. The 2004 Forest Plan Amendment also establishes standards for areas outside the recovery zone that are occupied by bears. Standards outside the recovery zone are (i) no increases in linear open road density above baseline conditions and (ii) no permanent increases in linear total road densities above baseline conditions. Amended habitat security standards and direction is now provided by the following (overpage):

Lolo National Forest Plan – amended habitat security standards (2004)	
Goals & Standards	Habitat security standards for specific BMUs
Core area	Numeric standards specific to each BMU; consider seasonal needs; fix in place for 10 year; in BMUs not meeting specific standard, projects affecting core must result in increased post-project core.
Habitat effectiveness	No standard.
Road density	No Linear ORD standard; OMRD = numeric standards for each BMU. TMRD = numeric standards for each BMU.
Road density trend	In areas not meeting OMRD and/or TMRD standards, actions affecting road density must result in move toward standards.
Opening size	Existing implementation - ≤40 acres, can be larger if there are no permanent roads within ½ mile of the unit
Administrative use	57 round trips, divided by season.
Mapped areas of bear occupancy outside of RZ	No net increases in linear ORD on USFS ownership land above baseline conditions in specified areas; no permanent increases in linear TRD above baseline conditions in specified areas.

Bitterroot National Forest

There is no specific mention of grizzly bear management in the *Bitterroot National Forest Plan* (1986). Chapter II-21, section f, states that no formal recovery plan has been established for threatened and endangered species in the Bitterroot Forest. Specific population objectives will, however, be established when sufficient biological information is available to do so. The *Bitterroot Forest Plan Five Year Review* (1994) points out that although the Forest Plan provides general direction for the maintenance and enhancement of habitat for sensitive species, conservation strategies for these species have not been completed and incorporated. Coordination with the USFWS, Idaho Fish and Game, and Montana FWP will continue.

APPENDIX H

TAKING OF WILDLIFE TO PROTECT PERSONS AND LIVESTOCK

87-3-130. Taking of wildlife to protect persons or livestock. (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this title if the wildlife is attacking, killing, or threatening to kill a person or livestock, except that, for purposes of protecting livestock, a person may not kill or attempt to kill a grizzly bear unless the grizzly bear is in the act of attacking or killing livestock. In addition, a person may kill or attempt to kill a wolf or mountain lion that is in the act of attacking or killing a domestic dog. A person who, under this subsection, takes wildlife protected by this title shall, within 72 hours, notify the department and surrender or arrange to surrender the wildlife to the department.

(2) A person may not provide supplemental feed attractants to game animals by:

- (a) purposely or knowingly attracting bears with supplemental feed attractants;
- (b) after having received a previous warning, negligently failing to properly store supplemental feed attractants and allowing bears access to the supplemental feed attractants;

or

(c) purposely or knowingly providing supplemental feed attractants in a manner that results in an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.

(3) A person who is engaged in the normal feeding of livestock, in a normal agricultural practice, in cultivation of a lawn or garden, or in the commercial processing of garbage is not subject to civil or criminal liability under this section.

(4) A person who violates subsection (2) is guilty of a misdemeanor and is subject to the penalty provided in 87-1-102(1). This section does not apply to supplemental feeding activities conducted by the department for disease control purposes.

(5) As used in this section:

- (a) “livestock” includes ostriches, rheas, and emus; and
- (b) “supplemental feed attractant” means any food, garbage, or other attractant for game animals.

History: En. Sec. 1, Ch. 306, L. 1981; amd. Sec. 13, Ch. 206, L. 1995; amd. Sec. 3, Ch. 540, L. 1995; amd. Sec. 3, Ch. 275, L. 2001; amd. Sec. 6, Ch. 316, L. 2001.

Compiler's Comments

2001 Amendments — Composite Section: Chapter 275 in (1) in first and third sentences after “protected by this” substituted “title” for “chapter” and in third sentence at end inserted “and surrender or arrange to surrender the wildlife to the department”; in (2) in introductory clause after “A person may not” deleted “intentionally” and after “supplemental feed” inserted “attractants”; inserted (2)(a) prohibiting attracting bears; inserted (2)(b) regarding failure to properly store supplemental feed attractants; in (2)(c) at beginning inserted “purposely or knowingly providing supplemental feed attractants” and at end after “transmission of disease” inserted “or that constitutes a threat to public safety”; inserted (3) concerning person engaged in feeding of livestock; inserted (5)(b) defining supplemental feed attractant; and made minor changes in style. Amendment effective April 20, 2001.

Chapter 316 in (1) in first sentence substituted “if the wildlife is attacking” for “if the wildlife is molesting, assaulting” and at end inserted exceptions for grizzly bear attacking or killing livestock and inserted second sentence concerning wolves and mountain lions attacking or killing a domestic dog; and made minor changes in style. Amendment effective April 21, 2001.

APPENDIX I


MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS
AND THE
U.S. FISH AND WILDLIFE SERVICE

- WHEREAS, the U.S. Fish and Wildlife Service (FWS) has been delegated the authority of the Secretary of the Interior for the administration and enforcement of laws pertaining to fish, wildlife and plants; and
- WHEREAS, The Montana Department of Fish, Wildlife and Parks (MFWP) has been delegated the authority for the administration and enforcement of laws pertaining to fish and wildlife in the State of Montana; and
- WHEREAS, the Montana Department of Fish, Wildlife and Parks and the U.S. Fish and Wildlife Service have law enforcement personnel located in the State of Montana, these people having the necessary training, qualifications, and experience to enforce all of these laws; and
- WHEREAS, the Secretary of the Interior has delegated law enforcement authority to the Director of the U. S. Fish and Wildlife Service and given the Director responsibility for cooperative assistance in enforcing these acts in accord with any cooperative agreement;
- NOW, THEREFORE, the Assistant Regional Director for Law Enforcement of the U. S. Fish and Wildlife Service, Region 6, and the Director of the Montana Department of Fish, Wildlife and Parks do hereby agree as follows:
1. Special Agents of the FWS and Law Enforcement Officers of the MFWP are expected to recognize possible violations of State and Federal laws, develop intelligence, collect evidence, and report their activities to the officer responsible for case coordination.
 2. Specific requests for investigative assistance by the State of Montana Coordinating Officer will be handled on an individual basis through the nearest Resident Special Agent in Montana.
 3. When Special Agents of the FWS provide investigative assistance to the MFWP, the following guidelines shall apply:
 - a. Both FWS and MFWP shall each designate a Case Agent who will be responsible for directing the operation and case reporting.

- b. Supervision will follow the routine of the parent agency.
- c. Decisions relating to investigative direction shall be initially decided by the designated Case Agents and confirmed by the appropriate level(s) of supervision in the respective agency.
- d. When operating within the respective investigation, the most restrictive legal policy shall apply (search and seizure, rules of evidence, laws of arrest, etc.).
- e. The State of Montana may supply up to \$100,000 per annum on any State/Federal cooperative investigation. The FWS shall supply that funding needed to complete a mutually agreed upon operation. All administrative reporting requirements shall be met as procedurally required by each parent agency.
- f. The MFWP and the FWS, within each agencies administrative guidelines and upon mutual agreement, may assist each other in the payment of expenses necessary to the administration or routine operation on cooperative operations.
- g. All funding initially provided by the MFWP will remain in an interest bearing account and any initial funding issued will require the signature of one person from the law enforcement unit.
- h. Decisions to allocate any funds to further the operation will be cleared, in advance, through the appropriate level of supervision in each agency and in accordance with agency administrative policy.
- i. All expenditures are to be documented if at all possible except when case officer safety is an issue. In those cases documentation is not mandated except as can be noted on monthly report forms. MFWP expenditures will be recorded in the checking ledger or covert/business books and the FWS will provide monthly accounting of funding expended to MFWP, office of the chief.
- j. Documentation on all expenditures will be available for audit only when the specific investigation is completed or upon advice of the United States Attorney or Attorney General for the State of Montana.

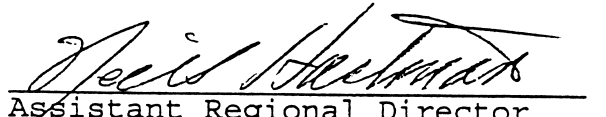
- k. The MFWP and FWS will request that the prosecuting agency(s) seek reimbursement through the courts of any identified expended funds for return to the MFWP fund for re-use within the parameters of agency policy.
- l. Operational closedown dates, charges to be filed, courts to be utilized and prosecution direction will be decided by the Case Agents and the appropriate level(s) of supervision.
- m. All news releases will be coordinated with the appropriate State/Federal attorneys' offices and the appropriate level(s) of supervision. There will be no release of case information without concurrence of all the above listed parties. The Public Affairs Office(s) to assume the lead in information dissemination will be determined by the parties prior to closedown.
- n. All seized property will be disposed of by the courts and/or mutual State/Federal agreement.
- o. Equipment may be loaned by one party to the other on an individual basis. Such equipment becomes the responsibility of the borrower and will be returned in the same condition as when received, normal wear and tear excepted. Damage in excess of normal wear and tear will be repaired by the user. Lost or stolen property will be replaced or reimbursed.
- p. Emphasis will be placed on the long term operation, with the goal of apprehending all major targeted violators. However, the length of time an operation will run will be dependent upon the mutual decision of the Case Agents and the State/Federal attorneys.
- q. Intelligence relative to joint operations will be centrally located and shared among the parties involved. Arrangements for intelligence centralization will be determined prior to initiation of operations.
- r. All property lawfully acquired under color of the covert operation will be disposed of in accordance with agency requirements/regulations.
- s. Business contracts may be entered into by either or both parties with cooperating private individuals in accordance with agency policy(s) to further covert operations. Both parties represented by this MOU must consent however to such 3rd party contracts.

This Memorandum of Understanding will become effective when signed by the Director of Fish, Wildlife and Parks for the State of Montana and the Assistant Regional Director for Law Enforcement, U.S. Fish and Wildlife Service. Either of the aforementioned parties may cancel this Memorandum of Understanding upon (30) days written notice to the other party member.



Director
Montana Department of Fish,
Wildlife and Parks

9-28-98
Date



Assistant Regional Director
U. S. Fish and Wildlife Service
Region 6

10/22/98
Date

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